

(Sec. Rule 114 .)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD .

~~M.A.R.A./C.P.~~

~~O.A./T.A.~~ 1459 1998

..... S.R. Master & Sons Applicant(s)

Versus

..... Mr. Chakravarthy R. Rao
..... New Delhi Respondent (s)

INDEX SHEET

Serial No .	Description of documents and dates.	Pages.
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	Orders in M A(S)	46 to 60
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	Orders in (Final orders) 21-5-98	67 to 78

Certified that the file is complete in all respects.

Signature of Dealing Hand.

(In record section)

[Handwritten Signature]
29/6/98

Signature of S.O.

OA 1459/97

Date

Office Note

ORDER

11-11-97

~~has~~ List it as part-heard

on 11-11-97. List it high on

the board.

~~Jai~~
~~HBSJP~~
(M(J))

~~Jai~~
~~HHRP~~
M(A)

1-12-97

List it on 4-12-97

~~Jai~~
~~HBSJP~~
M(J)

~~Jai~~
~~HHRP~~
M(A)

4-12-97

At the request of
counsel for the respon-
dents, list it on 9-12-97.

~~Jai~~
~~HBSJP~~
M(J)

Central Administrative Tribunal, Hyderabad Bench: Hyderabad.

J.A.No. 1459 of 1997.

Sh. Moxtan & Sult Applicants(s).

VERSUS.

The Chairman, Railway Board, New Delhi &

Sult

(Respondents).

Date	Office Note	ORDER
------	-------------	-------

29.10.97.

M.A., 992/97 in
GA SR 3462/97 is
allowed. Register
the G.A.,

Heard in S.R.K. Murthy
for the applicants
and in Siva Reddy
for Respondents.

We will consider
the issuing of intercaste
orders after the
respondents have filed the
counter. Respondents
shall file their counter
before 11-11-97.

List on 15.11.97.

Jc
18/28/97
M (S)

Jc
18/28/97
M(LA)

(4)

081459/02

DATE OFFICE NOTE

ORDER

2/15/08

orders processed in
open court O. A is allowed
in part and disburse cost.

(keep separate orders)

H88JP
m(A)

H88JP
m(A)

CAV
20/12/97

- 3 -

3
OA 1459/97

DATE OFFICE NOTE ORDER

26.12.97

Heard Mr. S. R. K. Murthy for
 the applicant and Mr. K.
 Siva Reddy for the respondents.
 Learned counsel for the
 applicants desire to file
 his written arguments and
 prays for time for doing so.
 Two weeks time granted.
 With that all the pleadings
 will be completed ~~as~~ since
 the learned counsels have
 been heard at length.
 The matter can, therefore,
 be taken as having been
 heard finally subject
 such pleadings as may
 be contained in the written
 arguments proposed to be
 filed by the counsel.
 will be disposed of there

MD: Jon
 HOSJP
 26/12
 H(J)

Jon
 H H

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: BENCH HYDERABAD.

ORIGINAL APPLICATION NO. 1459 OF 1997.

Shaik Madan and 54 Others

(Applicants.(sS))

VERSUS

~~Union of India, Repd. By.~~

Chairman: Rly. Board:

New Delhi & others.

Respondents.(sS (S))

The Application has been Submitted to the Tribunal by Shri

Shri SRK Murthy

Advocate/~~Party~~

~~in person~~ Under Section 19 of the Administrative Tribunal Act. 1935 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the administrative Tribunal (procedure) Rules 1987.

The application is in order and may be listed for Admission

No. _____

[Signature]
Secretary

28.7.97

[Signature]

DEPUTY REGISTRAR (JUDL).

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

I N D E X

D.A.NO. 1459 OF 1997.

CAUSE TITLE SK. Mastan & son

V E R S U S.

The chairman, Rly. Board, New Delhi & son

SL.NO.	Description of Documents	Page No.
1.	Original Application	1 to 11
2.	Material papers.	12 to 35
3.	Vakalat	1
4.	Objection sheet	1
5.	Spare copies. 9. (Nine)	
6.	Covers. 9. A	

10. Is the application accompanied IPO/DD, for Rs.50/-.
11. Have Legible copies of the annexure duly attested been filed.
12. Has the applicant exhausted all available remedies.
13. Has the Index of documents been filed and pagination done properly.
14. Has the declaration as a required by item No. 7 of form, I been made.
15. Have required number of envelopes (file six) bearing full addresses of the respondents been filed.
16. (a) Whether the relief sought form arise out of single cause of action.
(b) Whether any interim relief is prayed for.
17. In case an Ma for connonation of delay in filed, it supported b an affidavit of the applicant.
18. Whether t is cause ben heard by a single bench.
19. Any other points.
20. Result of the scrutiny with initial of the scrutiny clerk.

Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

Page 6
Numbered

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Diary No. 3462

Report in the Scrutiny of Application.

Presented by S.R.K. Dutt Date of presentation.

Applicant(s) St. Martin & Co. 25/11/97

Respondent(s) Chairman, Rly. Bd, Delhi & Co.

Nature of grievance Revision of pay scales

No. of Applicants 55 No. of Respondents 9

CLASSIFICATION.

Subject... Revision of pay scales No. (19) Department Scrly (NO) (32)

1. Is the application in the proper form, (three complete sets in paper books form in the two complitions). ✓
2. Whether name description and address of all the parties been furnished in the cause title. ✓
3. (a) Has the application been fully signed and verified. ✓
 (b) Has the copies been duly signed. ✓
 (c) Have sufficient number of copies of the application been filed. ✓
4. Whether all the necessary parties are impleaded. ✓
5. Whether English translation of documents in a language, other than English or Hindi been filed. ✓
6. Is the application on time, (see section 21) ✓
7. Has the Vakalatnama/Memo of appearance/Autorisation been filed. ✓
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) ✓
9. Is the application accompanied, duly attested legitable copy been filed. ✓

Reg: To declare that the applicants are eligible and entitled to be placed and continued as such in their respective Senior Grades v/y 2018-B (FR 22(C)) - RT on their promotions at Hyderabad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

Bench

O.A.No. 1459 of 1997

(19) Revision of Pay Scale

Between:

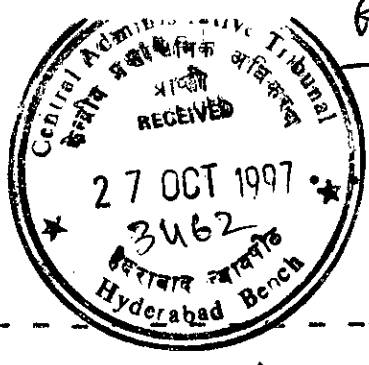
Shaik Mastan and 54 others

.. Applicants

And

The Chairman, Railway Board, Railway Bhavan, New Delhi, and 8 others

Railways



Respondents

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05.	Letter from the Divisional Railway Manager, Hyderabad/Secunderabad dt.6-9-94	4	22
06.	Letter of the Chief Personnel Officer dt. 4-2-97	5	23
07.	Personnel Branch Serial Circular No. 145/97 dt. 25-8-97	6	24
8.	Seniority list -	7	25-30
9.	Statement (Dates of Promotion to Seniority) 8		32-35

Place: Hyderabad

Date : 25-10-1997

X APPLICANT

Recd Copy of OA along with Marking Paper

Recd vth
C.A. Secy
27/10/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1459 of 1997

Between:-

Shaik Mastan and
54 others.

.. Applicants

A n d

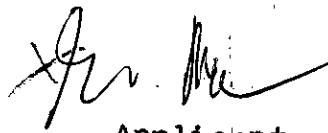
The Chairman
Railway Board,
Rail Bhavan,
New Delhi and
8 others

.. Respondents

CHRONOLOGY OF EVENTS

	Para	Page
1. Applicants have been promoted to senior Grades from the basic grade Rs.	6	4(7)(8)
2. The Respondents have rightly treated it as promotion and fixed their pay under R. 2018-B (FR 22-(C) - R II	7	4(15)
3. Now the respondents are attempting to alter the fixation of pay, under R-2017(a), (ii)-FR-22(a)(ii)-R II and causing reduction of pay	7	4(11)(13)

Place: Hyderabad
Date : 25-10-1997


Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

AT HYDERABAD

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT 1985

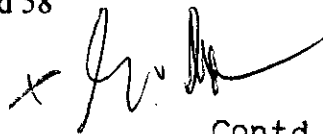
O.A. NO. 1459 OF 1997

Between

- 1. Sri Shaik Mastan S/o Sri Shaik Imam Saheb aged 48 ,
- 2. Mrs. Mercy Veda Soundaryum D/o M.I.David Mercy, aged 59
- 3. Mr. P. Pushpanjali Devi D/o P. Devasahayam .aged 49
- 4. Miss P. Josephine D/o P. Dominic Choudary, aged 58
- 5. Mrs. Dioruze D/o J. Powell , aged 50
- 6. Mrs. G.G.Muthalik W/o G.V.Muthalik, aged 58
- 7. Mrs. P. Jaya kumari D/o P.George, aged 44
- 8. Miss. A.P. Padma Bai D/o Late Sri A.T.Patha Sarathy, aged 52
- 9. Mrs. Ch.Subba Laxmi D/o Late Sri C. V. Chalapathi Rao, aged 49
- 10. Miss. M. Krishna Kumari D/o Srinivasulu , aged 53
- 11. Miss. P. Premavathy D/o Late Sri. Perumal , aged 45
- 12. G. Bharathi Devi D/o G. Umakantham Das ,aged 55
- 13. Mrs. Rangamani D/o Janadhan Rao, aged 55
- 14. Mrs. Ch. Vijayalaxmi D/o N. Ranga Rao, aged 49
- 15. Mrs. K. Uma Devi D/o Sri K. Bhaskara Rao, aged 43
- 16. Mrs. Cecilia D/o Sri S. Geore , aged 58
- 17. Mrs. K.M.S.Rukmini D/o Lazurus, aged 54
- 18. Mrs. V. Praveena D/o Sri. V. Krupa Rao, aged 52
- 19. Mrs. A. Elizabeth, D/o Sri A.P Rangaiah, aged 55

x [Signature]

20. Mrs. M. Premalatha, D/o Sri. Wilson, aged 51
21. Sri. G. Monohar Babu, S/o Sri G. Jesuratnam, aged 48
22. Mrs. B. Pushpa Rani, D/o Sri James, aged 49
23. Mrs. P. Padvamavathi D/o Sri P. Suryanarayana Rao, aged 53
24. Sri S. Dasarath, S/o Sri Narasaiah. Aged 57
25. Sri. B.G. Victor S/o Late Sri B.C. Aseervadam, aged 55 ,
26. Mrs. Rahimunisa begum, D/o Mohd. Qutbuddin, aged 53,
27. Sri M.Y.N. Somayazulu, S/o M.S. Somayazulu, aged 50 ,
28. Sri V.B. Vallabhacharyulu S/o Late Sri V. Narasimha, aged 53,
29. Mrs. D. Beberah D/o D. Samuel, aged 51,
30. Mrs. A.Y.A. Khan, D/o Easter Michael, aged 56years
31. Mrs. S. Krishna Kumari D/o T. Sreeramulu, aged 53,
32. Mrs. K. Saroja, D/o K.R. Krishna Murthy, aged 59 .
33. Sri. N.V. Sarma S/o N. Narasavadhanulu, aged 56
34. Mrs. S.E. Prema D/o S.E. Thirumalai, aged 49
35. Mrs. Dorthy Henry D/o R.J Franklin, aged 58
36. Sri. M.Venkateswara Rao S/o M. Muddulu, aged 47
37. Sri Y. Srinivasa Rao S/o Y. RamakoteswaraRao, aged 44
38. Mrs. Sowdhamini D/o P.S.Chanchal Rao, aged 54
39. Sri N.V. Ramana S/o N. Ramakrishna, aged 44
40. Mrs. G. Indira Vidhya Sagar D/o Devanandam aged 48
41. Sri. T. Sree Ramlu S/o Late Sri. T. Peda Ramulu, aged 59
42. Mrs. Sosamma John D/o Late K.T.John, aged 56
43. Mrs. V. Bharathi Devi D/o V. Abraham, aged 49
44. Mrs. Hoor Banu D/o Late Sri Khader Hussain, , aged 42
45. Mrs. Kanya Kumari D/o L. Sankhaya, aged 58



3.

- 46. Sri MD. Akber Ali S/oMD. Mustafa Ali , aged 58
- 47. Mrs. C. Laxmi narayanamma D/o C.V. Vitlaiah, aged 54
- 48. Mrs. Y. Premeela D/o Samson, aged 56
- 49. Sri Md. Omer Ali, S/oMD. Mustafa Ali, aged 56
- 50. Mrs. S. Dhanalaxmi D/o Sri M. Purushotham, aged 57 . Applicants
- 51. Sri M.A. Raheed S/o SK. Abdulla, aged 54
- 52. Smt. K. Sree Krishna D/o K. Rama Kotaiah , aged 59
- 53. Sri M. Samba Shiva Rao, S/o M. Viswasunder Rao aged, 54
- 54. Sri Joseph S/o Mogalappa, aged 57
- 55. Sri V. R. Bansode S/o Ramachandra , aged 47

All the applicants are ^{Teaching Staff} working in different Railway Educational Institutions in the Hyderabad division of the South Central Railway under the Administrative Control of the 4th Respondent.

A N D

- 1. The Chairman , Railway Board, Railway Bhavan New Delhi.
- 2. The General Manager, Rail Nilayam, South Central Railway, Secunderabad.
- 3. The Chief Personel Officer, South Central Railway, Rail Nilayam, Secunderabad.
- 4. The Divisional Railway Manager, ^{sc Rly, Sec} Hyderabad Division , Secunderabad.
- 5. The Sr. Divisional Accounts Officer, ^{sc Rly, Sec} Hyderabad Division, Secunderabad.
- 6. The Head Master, Railway Mixed High School, South Lalaguda, Secunderabad.
- 7. The Head Master. Railway Boys High School, North Lalaguda, Secnderabad.
- 8. The Head Mistress, Railway Girls High School, North Lalaguda, Secunderabad.

G. M. Contd.4.
X

9. The Principal,
Railway Junior College, Uppal Road,
Lalaguda, Secunderabad.

Respondents

The address of the applicants for purpose of service of notices and process is that of his counsel Mr. S.R.K. Murthy at Law Firm, 1-1-526, Sri Sai Datta Apartments, Golconda X Roads, Hyderabad - 500 080.

The addresses of the respondents for service of notices and process is the same as mentioned in the cause title.

DETAILS OF APPLICATION

1. Particulars of the order against which the application is made.

There is no specific order under challenge. The respondents have decided to re-fix the pay of the applicants and attempting to reduce

pay, for and from the month of October, 1997, in pursuance of the Serial Circular Dt 25.8.97, issued by the 3rd respondent here in.

2. Jurisdiction of the Tribunal:

The applicants declare that the subject matter of the application is within the Jurisdiction

of this Honorable Tribunal, Under Section 14 of the Administrative Tribunals Act, 1985.

3. Limitation:

The applicant further declare that the application is within the limitation period prescribed under section 21 of the Administrative Tribunals Act, 1985.

X
J.R. Murthy

Objects:
1) No Valuated
2) Can't appear against
Phys

5.

Basic 1200 - 2040 10
Sr. Grade 1450 - 2600
1640 - 2900
2000 - 3500

4. Facts of the case:

All the applicants are teachers, working in different Railway School's at Secunderabad, under the administrative Control of the Divisional Railway Manager, Hyderabad Division, the 4th Respondent herein.

Sr. Grade
given
Rmt to
1988

- (2) It is to be stated that the Government of India, Constituted a National Commission, headed by professor Sri D.P. Chatopadhyaya to recommend various measures, to improve, interalia, the career and working conditions of the Teachers. Basing upon the recommendations of the said commission, various measures have been given effect to, by all the concerned in order to elevate the status and structure of the teaching community on the whole, which otherwise got stagnated earlier.
- (3) The Railways too being one of the prime organisations of the country and part and parcel of the Government, had to follow the line of action of the state administration.
- (4) In this process, the Rilway administration too have adopted and implemented the spirited and specially formulated guide lines of the Chatopadhyaya Commission to improve the standard of living etc of the teachers.
- (5) One such measure, for the purposes mentioned supra, is the introduction of Senior gade and promotion of teachers from basic grade, to the said newly introduced grade, subject to fulfillment of certain conditions.

Contd.6

X J. M.

- (6) The eligibility criteria for promotion to the Senior Grade is completion of 12 years of service in the basic grade and clearance by the Departmental Promotion Committee.
- (7) All the applicants herein, since have completed more than 12 years of service in their basic grade, have been screened and cleared for promotion by the Departmental promotion Committee. Accordingly the applicants have been promoted to the present Senior Grade, on different date, in different years, prior to the year 1988.
- (8) The basic Grade and Senior Grade to which the applicants have been promoted are as under.

Applicants	Basic Grade	Senior Grade
From <u>1 to 24</u>	Rs. 1200 - 2040	<u>Rs. 1400 - 2600</u>
<u>25 to 50</u>	Rs. 1400 - 2600	<u>Rs. 1640 - 2900</u>
<u>51 to 55</u>	Rs. 1640 - 2900	<u>Rs. 2000 - 3500</u>

- (9) Since the time of promotion to the senior Grade the applicants have been working and discharging the duties assigned to them from time to time
- (10) While that being so, the respondents are attempting to take a strange stand to alter the fixation of pay of the applicants. It is to be stated in this context that when the applicants have been promoted to the senior grade, their pay has been fixed by the Railway administration, rightly under Rule 2018-B F.R. 22.C)R-II

- (11) But now the authorities have planned and prepared ground to refix their basic pay under rule 2017 (a) (ii) - (i.e. FR 22(a) (ii) -R II . This, the applicants submit, is illegal.
- (12) The Applicants have come to know of this illegal re-fixation of their pay and the impending danger of reduction in pay, from the Serial Circular No. 145/97, at 25.8.97, issued by the Personnel Branch, at Secunderabad, addressing all the concerned.
- (13) It is very reliability learnt that the respondents are giving effect to reduction in pay for and from the month of October, 1997.
- (14) Basing on this most illogical and unjustified turn around instructions, head of the Railway schools are working out details of excess/over payment alleged to have been paid to the applicants herein over the period i.e. from the date of promotion to the Senior Grade to till date in order to recover the same . Further it is reliably learnt that the respondents are going to pay a reduced pay from and for the month of October 97 , following the above said re-fixation formula. Hence sensing the damage the applicants have decided to approach this Honorable Tribunal, for justice.
- (15) For appreciation of the circumstances the applicants may state that from the begining the respondents at the realm of affairs have been rightly and consistently treating the grant of senior grade as a promotion and categorically certified quiet logically that the fixation of pay shall be under rule 2018-B (FR 22-C)R-II.

Contd.8.

14

8

- (16) In this regard, the applicants invite the attention of this Honorable Tribunal to various letters/circulars etc. of the Railway administration, which have been annexed here with this application.
- (17) Thus the applicants having served the organisation with utmost sincerity and devotion, are being met with an unfortunate twist to their career. They are wonder struck at the casual manner by which their fate is being handled to their disadvantage. They are neither given an opportunity to explain their version on the subject nor the administration have taken care by themselves, before letting the applicants down.
- (18) The applicants submit that they have been promoted to the present senior grade, on the recommended measures of the Chatopadhaya commission, and as per the legally applied principles of the law.
- (19) The applicants further submit that they are entitled to be fixed and continued as such, under Rule 2018 B (F.R. 22-C) R-II, on their promotion to the respective Senior Grades mentioned in sub para (8) supra.
- (20) The attempt of the respondents to give effect to the said re-fixation of pay under Rule 2017 (a) (ii) (FR 22(a) (ii) RII is read, irregular and illegal.
- (21) The applicants have come to know of the illegal attempt on the part of the respondents to re-fix the pay, in the third week of this month. It is relevant to mention that on earlier occasions when the respondents have reduced pay of some other teachers they have had to obtain orders from this Honourable Tribunal.

9
✓ [Signature]

5. GROUND:

1. The applicants are legally entitled to be fixed and continued in such pay fixation under Rule 2018-B (FR 22 - C) R- II now FR 221(a) (I), on their promotion to respective Senior Grades to which they have been promoted.
2. The respondents have no authority to re-fix the pay of the applicants differently under Rule 2017 (a) (ii) (FR 22 (a) (ii) - R-II.
3. Re-fixation of Pay (of the applicants) without due notice to the applicants is illegal and against the principles of natural justice and fair play.
4. The change sought to be made with regard to re-fixation of pay is belated and illegal.
5. The respondents are not justified in their attempt to reduce the pay of the applicants.
6. The planned reduction of pay of the applicants for and from the month of October, 1997 is bad and illegal.

The applicants crave leave of this Honorable Tribunal to urge the other grounds at the time of hearing.

6. Details of the Remedies exhausted:

The applicants declare that they have no other recourse for

redressal their grievance, since their salary is being deducted from the month of October 1997.

2

7. Matters not previously filed or pending with any other court:

The applicants further declare that they have not filed any other application, writ petition suit regarding the present grievance and as such no other case is pending before any other tribunal or authority.

8. MAIN PRAYER

The applicants pray that the Honorable Tribunal be pleased to declare:

1. That the applicants are eligible and entitled to be placed and continued as such in their respective senior Grades, under Rule 2018-B, (FR 22©) R-II., on their promotion

2. That the proposed action (of the respondents) to re-affix the pay of the applicants under Rule 2017 (a) (ii) (F. R 22(a) (ii) is bad, irregular and illegal.

3. That the belated action on the part of the respondents to re-fix the applicants pay differently from the earlier fixation, is wholly unjustified.

4. That the said re-fixation of pay of the applicants, without due notice to them, is against principles of natural justice and fair play.

Contd.11.

9. INTERIM PRAYER

The applicants further pray that the Honorable Tribunal be pleased to direct the respondents to continue to pay their salary as per the original earlier fixation and as has been paid for the month of September, 1997, pending disposal of the O.A.



10. Particulars of the Postal Order.

Postal order NO 232241
Dt 27/10/97 - FA Rs 50/-

Additional IPO
Dt 27/10/97 for Rs 50/-
(4)
Rs 20/-

11. List of Enclosures:

- 1. Letter of the Railway Board dt. 11-1-1988 ~~IP.O. B.C.P.D. removed~~
- 2. Letter of the Head Quarters Personnel Brnch dt. 29-4-88
- 3. Letter of the FA & CAO's office dt.20-4-1989
- 4. Letter from the Office of the D.R.M. S.C. Railway , dt. 6-9-94
- 5. Letter of the Personnel Branch dt. 4-2-97
- 6. Letter of the Personnel Branch Serial Circular No. 145/97
dt. 25-8-97.
- 7. Seniority list
- 8. Statement.

VERIFICATION

I, Shaik Mastan S/o Sri Shaik Imam Saheb aged 48 Teacher, working in the Railway School at Secunderabad, under the administrative control of the 4th respondent, the 1st applicant herein do hereby verify that what all has been stated above is true to the best of my knowledge and belief. I have not suppressed any material fact.

on my behalf and on behalf of other applicants

Dated: 25-10-1997

Place: Hyderabad.

[Signature]
1st Applicant

[Signature], (SRK MURTHY)
Cmtd. APPS.

A1
12

(RAILWAY BOARD)

No. E (P & A) L-87/PS-5/PE-5

NEW DELHI, the 11th January, 1988

The General Manager,
All Indian Railway including C.L.W., D.L.W., I.C.T & DG/RDSO.

Subject: Revision of pay Scales of School teachers.

- - -

The Ministry of Railways have, on the recommendations of the National Commission on Teachers, under the Chairmanship of Prof. D.P. Chattopadhyay, decided that the Revised (4th Pay Commission) Scales and selection Grades for teachers on the Railways should be further ^{red} revised as in the Annexure attached.

2. It has also been decided to grant a Teaching Allowance of Rs. 100/- P.M. to Primary school teachers, Headmasters of Primary Schools, Trained Graduate teachers, Headmasters of Middle Schools and Post-Graduate teachers. A special allowance of Rs. 150/- P.M. will be payable to Vice-Principals and Principals of Senior Secondary Schools and Headmasters of Secondary Schools. These allowances will not have any additive value for any purpose whatsoever and will also not be reckonable for fixation of pay purposes.

3. The revised pay Scales, Teaching Allowance and Special Allowance will be applicable w.e.f 1.1.1986. The arrears of pay for the period from 1.1.1986 to 31.3.1986, which ~~will~~ will accrue, over and above the arrears of pay consequent upon the introduction of the revised scales of pay on the recommendations of the 4th pay commission, Vide this Ministry's letter No. PC-IV/86/Imp/Schedule/I dated 24.9.1986, shall be deposited in the provident fund Accounts of the employees. Amendments to the Railway Service (Revised Pay) Rules 1986, regulating the fixation of pay in the newly introduced scales will follow separately.

(cont.2)

TRUE COPY / COPIES

2

Conside A.P.D.W.

13

4. The allotment of the revised Scales, as in the Annexure will be subject to the following conditions.

i) While senior grade to primary School teachers, Trained Graduate teachers/Headmasters of Primary Schools and Post-Graduate teachers/Headmasters of Middle schools will be granted after 12 years in the basic grade, the selection grade (non-functional) will be granted after 12 years of service in the senior grade and will be further s subject to the attainment of the prescribed level of equal fixation. Viz. Trained-Graduate teacher's qualification in respect of Primary school teachers, Both the conditions, viz, completion of 12 years service in the senior grade and acquisition of the prescribed level of additional qualification, must be satisfied for becoming eligible to the selection grade in these cases, for the Vice-Principals/Headmasters of Secondary Schools there will be only senior grade after 12 years and no selection grade.

ii) The number of posts in selection grade (non functional) ~~refer~~ for primary school teachers, Trained-Graduate teachers/Headmasters of primary school, post-Graduate teachers/Headmaster of Middle School will be restricted to 20% of the number of posts in the senior grade of the respective cadre.

iii). The senior grade and selection grade (non-functional) shall be given only after screening regarding satisfactory performance by an appropriate Departmental Promotion Committee.

iv). Every teacher would be required to participate in an in-service training programme of atleast 3 weeks duration before he/she passes an efficiency bar or is promoted to senior grade or selection grade, i.e., once in every six years, provided that, where arrangements for such training cannot be made, the appointing authority may exempt a category of teachers for a specific period of time, The Ministry of Railways would like it to be ensured that suitable in-service training programmes of the prescribed duration and introduced so that the need for a special dispensation will arise in the rarest of rare cases.

v) Although for purposes of grant of selection grade, primary school teachers and Trained Graduate teachers will be required to obtain higher qualifications, they will not be required to shift to an institution of higher level.

(cont.3)

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vi). Appointment to the posts of Principals, Vice-Principals and Headmasters will be made in all Schools on the basis of Merit.

5. There will be no change in the classification and status of Trained Graduate Teachers applicated to the selection grade of Rs. 2000-3500 and post Graduate teachers appointed to the selection grade of Rs. 2200-4000, Accordingly, their status will continue to remain Groups 'C' (Class III) and Group 'B' (Class II) respectively.

6. Post-Graduate teachers in Scales Rs. 1640-2900, when appointed to the senior grade of Rs, 2000-3500, will become eligible for Group 'B' (class-II) status. Accordingly, appointments to the scale of Rs. 2000-3500 in the case of Post-Graduate teachers will be by selection by a Group 'B' (Class II) Departmental promotion committee.

7. Vice-Principals in Scale Rs. 2000-3500 Group 'B' (Class II) can be appointed to the Senior Grade of Rs. 2200-4000 (Junior Scale Group 'A' (Class I) on the Railways), on completion of 12 years service, only after they have been duly screened by the Union Public Service commission for initial appointment to Group 'A' (Class I - Junior Scale). Accordingly, all such proposals will be referred to the Railway Board for Screening through the U.P.S.C.

8. Ministry of Railways desire early implementation of these orders.

9. Kindly acknowledge receipt of this communication.

10. Hind' version will follow.

DA : AS ABOVE

(K. VENKATESAN)

DIRECTOR ESTABLISHMENT (Pers)
RAILWAY BOARD.

TRUE COPY / COPIES

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Coulde APP65

REVISED SCALES OF PAY ON THE RECOMMENDATIONS OF THE

ANNEXURE

15

NATIONAL COMMISSION ON TEACHERS

CATEGORY

BASIC GRADE

SENIOR GRADE

SELECTION GRADE
(Non-Functional)

(Functional)

1) Vice-Principal/Headmaster/ Head Mistress of Secondary/ High school. Rs. 2000-3500 (Revised).	Rs. 2000 - 60 - 2300-75 2375-EB - 75 - 2825- 75- 3200- 100- 3300 - EB 200 - 3500 .	Rs. 2200-75-2650-EB- 75-2800-100-3200-EB- 100-3800-EB-100- 4000 (after 12 years in basic grade)	
2. PGT/Head Master/ Headmistress of Middle School- Rs. 1640-2900 (Revised)	Rs. 1640-60-2000 EB-60-2360-EB-60- 2600-75-2750-EB-75- 2900	Rs. 2000-60-2300-75- 2375-EB-75-2825-EB- 75-3200-100-3800-100- 3500- (after 12 years in Basic grade)	Rs. 2200-75-2650-EB-75- 2800-100-3200-EB-100- 3800-EB-100-4000 (after 12 years in Senior Grade)
3. Trained Graduate Teacher, HM'S of Primary Schools/ Domestic science Teachers Gr-I/ Drawing Teacher Gr-I/Music Teacher Gr.I/Language Teacher (TGT)/ PTI-Gr.I/Craft Teacher/Dance Teacher/ Demonstrator in scale Rs. 1400-2600 (Revised)	Rs. 1400-40-1600-50 1650-EB-50-1950-EB 50-2250-EB-50-2300-60 2600 .	Rs. 1640-60-2000-EB- 60-2360-EB-50-2600- 75-2750-EB-75-2900 (after 12 years in basic grade)	Rs. 2000-60-2300-75- 2375-EB-75-2825-EB 75-3200-100-3300-EB- 100-3500 (after 12 years service in the senior grade and on attainment of quali- fications Prescribed for PGTs).

CATEGORY	BASIC GRADE	SENIOR GRADE	SELECTION GRADE (Non-Functional)
✓ Primary School Teachers 'D' Grade Rs. 1200-2040 (Revised).	Rs. 1200-30-1550-EB-40- 1680-EB-30-1800-EB-40-2040.	Rs. 1400-40-1500-50-1650-EB-50-1950-EB-50-2200-EB-50-2300-60-2600 (After 12 years in Basic Grade)	Rs. 1640-60-2000-EB-60-2360-EB-60-2600-75-2750-EB-75-2900 (after 12 years of service in Sr. Grade and on attainment of Qualifications laid down for (TGTs)
Head of Technical staff Rs. 2000-3500 (Revised)	Rs. 2000-60-2300-75-2375-EB-75-2825-EB-75-3200-100-3300-EB-100-3500	Rs. 2200-75-2650-EB-75-2800-100-3200-EB-100-3800-EB-100-4000- (After 12 years in Basic Grade)	Rex - -
Instructor Tech. Group, Manual, Instructor, Asst-Instructor for Workshop for Rs. 1400-2600 (Revised)	Rs. 1400-40-1600-50-1650-EB-50-1950-EB-50-2250-EB-50-2300-60-2600.	Rs. 1540-60-2080-EB-60-2360-60-2600-75-2750-EB-75-2900- (After 12 years in Basic Grade)	Rs. 2000-60-2300-75-2375-EB-75-2825-EB-75-3200-100-3300-EB-100-3500- (After 12 years service in the Sr. Grade addition attainment of qualifications. Prescribed for PGTs).
Commercial Instructor Rs. 1200-2040 (Revised)	Rs. 1200-30-1380-EB-30-1560-EB-40-1800-EB-40-2040.	Rs. 1400-40-1600-50-1650-EB-50-1950-EB-2250-EB-50-2300-60-2600 (After 12 years in Basic Grade)	Rs. 1640-60-2000-EB-60-2360-EB-60-2600-75-2750-EB-EB-75-2900. (After 12 years service in Sr. Grade and on attainment of qualifications laid down for TGTs).

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P. 594/P/Vol. V.

Headquarters Office,
Personnel Branch,
Secunderabad,
Dt. 29-4-1988.

M/SC, HYB, BZA, GTL & UBL
CME (WW) GTPL.

Sub: Revision of Pay Scales of School Teachers
clarifications regarding.

A copy of Board's letter No. E (P&A) 1-87/PS-5/P-5
dt. 11.4.88 on the above subject is sent herewith for information
and necessary action. The Board's letter dt. 1.1.88
as circulated vide this Office letter of even No. dt. 27.1.88.

Hindi version is enclosed.

(V. D. Kothandaraman)
for Chief Personnel Officer.

Copy to:- Sr. DAO/SC, HYB, BZA,
GTL, UBL & SA/WW/GTPL
Dy. CPO/G, SPO (R&S), SPO (M&PC)

Copy of Railway Board's letter No. E(P&A) 1-87/PS-5/PE-5
dt. 11.4.1988. Addressed to The General Managers, All Indian Railways

Sub: Revision of pay scales of school teachers --
clarifications regarding.

In pursuance of instructions contained in this Ministry's
letter of even number dated 11.1.1988, and in the context of certain
queries raised in the matter, the Ministry of Railways, in consul-
tation with the Department of Education, desire to clarify as under:-

- (1) The pay of all teachers will be initially fixed as
Rs. 1.86 in the basic grade introduced on the recommenda-
tions of the Chattopadhyay Commission, which is the same as
the revised scales introduced on the recommendations of the
Central Pay Commission.
- (2) Those who have completed 12 years of service in the
old/pre-revised scales, will be placed in the senior
subject to screening by the Departmental promotion
committee. Those not found fit by the D.P.C. will remain/
placed in the basic grade.
- (3) Since the selection grade introduced on the reco-
mmendations of the 4th Pay Commission is now the same as
senior grade in the new scale structure introduced on
recommendations of the Chattopadhyay Commission, such
teachers who are already in the selection grade,
introduced on the recommendations of the 4th Central Pay
Commission, will be placed in the new senior grade, without
any screening by the Departmental Promotion Committee.

Contd..

(4) The new selection grade introduced vide this Ministry's letter of 11.1.88 is to be given to those eligible teachers who have completed 12 years of service in the Senior Grade, subject to fulfilment of all the prescribed conditions for the selection grade.

(5) In the case of primary school teachers and trained graduate teachers, the condition that the placement in the selection grade will be subject to acquiring the prescribed level of higher qualification, may be waived provided these teachers have already completed 18 years of service in the revised/pre-revised grade structure. Those who have not completed 18 years of service, as well as new entrants, have to acquire the prescribed level of higher qualification for consideration for the selection grade.

(6) There could be case of teachers, who are presently working in a grade higher than the one to which recruited, for example, a primary school teacher initially recruited to the grade of Rs. 330-560/1200-2040 (RPS) may have reached the ordinary grade of Rs. 1400-2600 in the normal course by promotion as a Headmaster/Trained Graduate Teacher. For fixation of their pay and determination of appropriate pay scale, their service in the present grade will be counted from the date of promotion as per the usual practice. However, this could lead to a situation where a primary school teacher in the revised ordinary grade of Rs. 1200-2040 being promoted to the senior grade of Rs. 1400-2600 in the new grade structure and drawing more pay than his senior, who has reached the ordinary grade of Rs. 1400-2600 should be stepped up to the level of the junior, placed in the senior grade of Rs. 1400-2600 on completion of 12 years service, subject to screening by the D.P.C. This is an illustration and may be applied to similar such cases of anomalies.

(7) There are situations in the new grade structure where the selection grade (non-functional) allotted to a particular category of teachers, happens to be higher than the basic promotional grade to be allotted on promotion. For example, a trained graduate teacher holding the selection grade (non-functional) of Rs. 2000-3500 will ordinarily be promoted to the post-graduate teacher/headmaster whose basic grade is Rs. 1640-2900. In such cases, since the selection grade happens to be higher than the basic grade of the promotional post, the pay of such teachers will be fixed in the corresponding senior grade of the promotional post, which is identical to the selection grade of the post from which promoted. However, since the pay scales are identical, the pay in such cases will be fixed only under Rule 2017(a) (ii) (FR-22 (a) (ii) -R.II and not under Rule 2018-B (FR-22-C)-R.II. In all other cases where appointment takes place from a lower grade to a higher grade, which is superior to the lower grade, pay will be fixed under Rule 2018-B (FR-22-C) R. II.

✓ 10

in the normal course, due to promotion.
 In such cases, the pay of senior in the ordinary grade of Rs. 1400-2600 Contd...3,

1200 - 2040
 1400 - 2600

SG. 1640 - 2900
 (NF)

(8) The teaching allowance of Rs. 100 p.m. and the special allowance of Rs. 150 p.m. will not have the characteristic of 'pay' for any purpose whatsoever and will, therefore, not be reckonable for payment of dearness allowance, etc., as well as pension and other post-retirement benefits. Teaching allowance will also not be admissible when the teachers work on cadre posts to which teaching duties are not attached. Payment of these allowances can be authorised without waiting for finalisation of fixation of pay in the senior grade, selection grade, etc.

(9) The revised grade structure, vide this Ministry's letter of 11.1.88, will also be applicable to librarians and other cognate categories with specific instructional duties carrying different designations. Most of these designations have already been covered in the annexure to this Ministry's letter of 11.1.1988.


(10) In the revised grade structure, headmasters of primary schools and middle schools have been equated with trained graduate teachers and post-graduate teachers, respectively. It is, therefore, necessary for the headmasters to have the same academic qualifications as prescribed for the teaching post with which they are equated.

(11) There could be cases of teachers who have been recruited/promoted with qualifications lower than the ones prescribed for direct recruits, under the existing promotion rules. Such teachers will be eligible for the selection grade only on acquiring the prescribed higher level of qualification. Such teachers will also not be eligible for promotion to the next higher grade, which carries a higher level of qualification prescribed, until they acquire that qualification.

This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

Hindi version is attached.

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SOUTH CENTRAL RAILWAY

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F.A. & C.A.O.'s Office,
Rail Nilayam,
Secunderabad-500 371.

No. AKN/F.20.

Dated: 20-4-1989.

ESTABLISHMENT CIRCULAR NO.1 /89.

F.A. & C.A.O./NST/SC, F.A. & C.A.O. /GN/S,
F.A. & C.A.O. (G), F.A. & C.A.O./RE/EZA,
Sr.DAOs/BG/SC, NG/HYB @SC, BZA, UBL & GTI,
SAO(C)/SC, BZA, RJY, Sr.DAO/Con.Cell./UBL, SAO/CRS, PPTY,
MAO/LED, UBL, GTPL, MAO/Admn, SAO/F, SAO/Books & Budget,
Dy.CAO/NST/SC, v.CPO/SDG, SAO/Stores, SAO(MFP), TLO SC/O,
SAO/T, Sr. Manager, MAO/SV, MAO/Bills, MAO/PC, MAO/Coaching,
MAO/Godse, MAO/Misc., MAO/Insp., MAO/FC, MAO/Exp.
MAO/IF, MAO/Pension, MAO/Books, MAO/Budget, MAO/GAZ,
MAO/FE, MAO/FX, SO/Bills, SO/Suspense.

Copy of Railway Board's letter No.E(P&A)I-07/RS-5/PE-5 dated 23-03-89 is appended below for information and necessary action.

[Signature]
for F.A. & C.A.O./SCN/SC

Copy of Railway Board's letter No.E(P&A)I-07/RS-5/PE-5 dated 23-03-89 from Sri. K. Venkatesan, Director, Estt. (R&I), Railway Board, New Delhi, addressed to The General Managers, All Indian Railways, including others, and copy to F.A. & C.A.O. and others.

Sub- Revision of pay scales of school teachers -
Clarifications regarding.

In pursuance of instructions contained in this Ministry's letter of even number dated 11-01-88 and clarificatory letter dated 11-04-1988, and in the context of certain queries raised in the matter, the Ministry of Railways, in consultation with the Department of Education, desire to clarify the following points:

Point.	Clarification.
(1) Whether the service rendered by the misc. categories of teachers in the pre-revised lower scale of Rs.425-640 will also be counted towards grant of senior grade.	Since these misc. categories of teachers were earlier in the lower scale of Rs.425-640 (pre-revised) and their scale was upgraded to Rs.440-750 w.o.f. 05-09-81 only, they will have to complete 12 yrs.

P o i n t

Clarification.

These incumbents were given higher scale of Rs. 440-750 w.e.f. 05-09-81 only.

of service in the scale of Rs. 440-750 (Pre-revised), which is now the basic grade for the misc. categories teachers. Moreover, in this office letter of even number dated 11-1-88, it was clarified that Senior Grade will be available only after 12 years in the basic grade i.e., 440-750.

(ii) whether teaching allowance/special allowance is admissible even if the individual does not opt for the revised scale.

(ii) Teaching allowance/Special allowance should be given to teachers etc. only from the date they opt for the revised scales.

(iii) whether on appointment to the senior grade the instructions regarding fixation of pay on appointment to selection grade will be applicable or the provisions of RR 22(a) (ii) which provide for a manner of fixation of pay to the posts, which does not involve assumption of duties or responsibilities of greater importance, will be applicable.

This has already been clarified vide para 7 of this Ministry's letter of even number dated 11-01-1988.

(iv) whether the period of service in the Senior Grade should be counted w.e.f. 1-1-86 or from the date of grant of pre-revised Selection Grade.

The service rendered by the Railway teacher in the pre-revised Selection Grade should be counted as service in the revised senior grade for the purpose of Grant of Selection grade.

Kindly acknowledge receipt of this letter.

Hindi version is enclosed.

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SOUTH CENTRAL RAILWAY

Office of the DRH(P)/HYL/SC
No.YP/594/SC/National Commission.

Dated 6/9/94.

To,

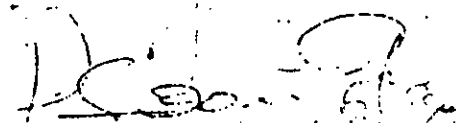
The Principals: RISS/IN/PAU, RJC/LGD.
Gaz.HTS : RMS/S/LGD, RSHS/N/LGD, RLHS/N/LGD.
RHS/EM/PAU
H.N. : RUS/NZL.
AENS : KRNT, North/SC/HYE, Jalna.

Sub:- Fixation of pay of School Teachers in Senior Grade.

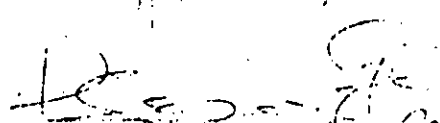
Ref:- 1) Sr.DAO/HYE's Lr.No.A/EN/Schools dt.4.7.94.
2) Sr.DAO/HYE's D.O.No. A/EN/Schools dt.8.7.94.

The issue in regard to fixation of pay of Schools Teachers has been examined in consultation with Sr.DAO/HYE with reference to Railway Board's letter dt. 11.4.86. According to para '7' of Board's letter "Wherever the promotion takes effect from one grade to another grade which is superior to the lower grade the fixation has to be done under Rule -2018 (A) FR 22 (C) R II.

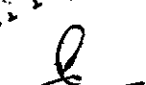
In view of the clarification given by Sr.DAO/HYE vide his Lr.No. A/EN/schools dt. 8.7.94. The fixation of pay in respect of the Teachers who have fulfilled the conditions mentioned above may be done under advise to this office.


for Divl. Rly. Manager(P)/HYE/SC

Copy to :- CPO/SC, Sr.DAO/HYE, Bills Section, SR Cell.


for Divl. Rly. Manager(P)/HYE/SC

P.S.R.6/9*

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SOUTH CENTRAL RAILWAY

Headquarters Office,
Personnel Branch/Secunderabad.

No.P.594/P/Vol.VIE.

Dated: 04/02/1997.

DRM's(P)SC, HYB, BZA, GTL, UBL,
Principal/RJC/LGD, RJC/RZJ, RJC/BZA, RJC/GTL,
Principal/RDC/LGD,

Sub: Revision of Pay scale of School
Teachers - Clarifications regarding.

- oOo -

A copy of Railway Board's letter No. E(P&A) I-96/PS-5/PE-8 dated 08/01/1997 on the above subject is sent herewith for information, guidance and necessary action.

R...
11/2/97
(T.P.V.S. SEKHARA RAO)
for Chief Personnel Officer

C/- PA&CAO/SC, Sr. DAO/SC, HYB, BZA, GTL, UBL,

C/- WPO/WW/GTILS, SPO/R&S, SPO/M&PC,

Copy of Railway Board's letter No. E(P&A) I-96/PS-5/PE-8 (RBE No.9/97), addressed to GMS, All Indian Railways.

"CORRECTION"
Sub: Revision of Pay Scales of School
teachers-clarifications regarding.

Ref: This Ministry's letter No. E(P&A) I-87/PS-5/PE-5, dated 23.3.1989.

- oOo -

The clarification appearing against point No.(iii) of Board's letter referred to above may be substituted as under :-

" On appointment to non-functional senior grade/selection grade pay of the teachers shall be fixed in accordance with the provisions of Rule 2017 (a)(ii) (M 22 (I) (a) (ii) - R. II.

TRUE COPY SENT

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SOUTH CENTRAL RAILWAY

HEADQUARTERS
PERSONNEL BRANCH
SECUNDERABAD.

Dated: 25-8-97

No. P(R)594

ALL-CONCERNED

PERSONNEL BRANCH SERIAL CIRCULAR NO: 145 /97

Copy of Board's letter No. E(P&A)I-96/JCM/DC-5 dated 7-7-97 is forwarded for information, guidance and necessary action. Board's letter dated 6-7-89 referred to therein was circulated under letter No. P/594/P/Vol.VI dated 2-8-89.

(Signature)
(C.V. NARAYANA)
SPO/RULES
for CHIEF PERSONNEL OFFICER

Copy of Board's letter No. E(P&A)I-96/JCM/DC-5 dated 7-7-97

Sub: DC/JCM Item No. 56/96 - Revision of pay scales of School Teachers - Fixation of pay on promotion from lower grade to higher grade and on placement from basic grade to senior grade and senior grade to selection grade.

Ref: S.C. Rly's letter No. P.594/P/Vol. VII dated 10-6-97 and DCW's letter No. DCW/I/S/227 dated 25-6-97.

Kind attention is drawn to Board's letter dated 6-7-89 (copy enclosed for ready reference) regulating the pay of teachers on grant of non-functional Senior/Selection Grade under FR-22a.

As such, pay of all those teachers who have been placed in non-functional senior/selection. Grades be re-fixed and recoveries of over payments of salaries on account of re-fixation of pay under FR-22a may please be worked out and intimated to Board urgently.

Back Ref. Index: 1036 FIXATION OF PAY S.C. No.

Letter No. P:594/P/Vol.VI dt. 2-8-89 S.C. No. 145 /97
Fixation of pay of school teachers - Teachers who have been placed in non-functional senior/Selection grades, the Rule 1313 (FR 22) (2) (ii) shall be invoked.

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(Signature)
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2632

PROVISIONAL SENIORITY LIST OF TRAINED GRADUATE TEACHERS (ENG. MEDIUM) HYDERABAD DIVISION
AS ON 31.03.97

S.No.	Name & Edu. Qualifica.	Grade. Ps. (PSRP)	School	Date of Birth	Date of appnt.	D.O.E. into Gr.	Date of Retirement	Remarks.
1	2	3	4	5	6	7	8	9
	S/Chri.-							
1	Grace Verghese B.Sc., B.Ed.,	Sr.G. TGT 1640-2900	RMHS/ LCD	10.10.46	18.06.71	18.06.71	31.12.2006	
2	George Victor B.A., B.Ed.,	"	"	22.9.42	1.7.71	2.8.71	30.9.2002	Final
3	Parimunnisa Begum B.A., B.Ed.,	"	"	27.9.44	3.7.71	16.8.71	30.3.2002	Final
4	S. Dhanalakshmi B.A., Dip.in Craft (Craft) (Telugu Pandit)	"	"	20.4.40	15.4.66	31.5.74	30.4.2000	IDT 7.10.70
5	M.Y.N. Somayajulu. MOL(Tel) MA(Tel) M.A.(Sanskrit)	"	"	20.2.47	8.11.74	8.11.74	28.2.2007	Rtd
6	T.B. Vallabhacharyulu B.Sc., B.Ed.,	"	"	30.5.44	3.11.74	8.11.74	31.5.2004	Rtd
7	D. Deborah B.Sc., B.Ed.,	"	"	20.2.46	4.3.75	4.3.75	31.3.2006	Rtd
8	A. V.R. Khan. M.A., B.Ed.,	"	"	11.10.41	6.3.64	12.4.76	30.10.2001	2.001
9	D. Krishnakumari M(Tel) B.Ed.,	"	"	5.11.44	16.9.71	9.10.76	30.11.2004	Rtd
10	D. Venkateswara Sastry B.A., MOL. (Tel. Pandit)	"	"	27.3.41	5.3.75	5.3.75	31.3.2001	DT 28.6.75
11	Sosanna John B.A., B.Ed.,	"	"	3.4.41	23.6.71	9.7.77	30.4.2001	Rtd
12	K. Saroja B.A., B.Ed.,	"	"	10.7.38	30.2.53	12.3.79	31.7.98	Final

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1.	2.	3.	4.	5.	6.	7.	8.	9.
13.	S.E. Prema. B.Sc., B.Ed.,	St.G.TGT. 1640-2900	RMHS/ LGD	1.6.48	12.6.79	12.6.79	30.6.2008	RMHS
14.	B.D. Ramachasi M.A., B.Ed (Marathi) (Marathi Paralit)	"	RHS PAU	1.1.58	7.3.80	7.3.80	31.3.2010	
15.	M. Venkateswararao Matric. TTC; GDA (Drawing Drg. Higher teacher)	"	RMHS/ LGD	10.6.50	12.5.80	12.6.80	30.6.2010	RMHS
16.	K.L. Kanyakumari B.A., B.Ed.,	"	"	24.5.39	13.5.80	13.6.80	31.5.99	RMHS
17.	Hoor Banu B.Sc., B.Ed.,	"	"	8.4.55	20.11.78 as Clerk	10.6.80	30.4.2015	IDT 15.7.81
18.	M. Vijayavani. B.Sc., B.Ed.,	"	RMHS LGD	15.6.47	7.9.71	16.8.72	30.6.2007	IDT 19.12.81
19.	M. Srinivasarao. B.Com., TTC (Drawing) Drawing Higher	"	RMHS LGD	10.6.54	5.7.82	5.7.82	30.6.2014	RMHS
20.	M.P. Ratnamma. SSLC. Craft Trd. (Craft) TGT	"	RHS PAU	14.1.40	8.11.74	1.10.83	31.1.2000	
21.	Laila Beevi B.A., B.Ed.,	"	"	13.1.48	6.12.74		31.1.2008	
22.	K. Subhadra. M.A., B.Sc., B.Ed.	"	RMHS LGD	13.12.99	28.1.85	28.1.85	31.12.2018	
23.	Anwar Ahmed. M.A (Urdu) B.P.Ed. (PTI)	"	RHS PAU	1.1.58	14.8.86	14.8.86	31.1.2018	
24.	S.N. Soodamini. M.A (Hindi) B.Ed.,	St.G.TGT. 1640-2900 (Hindi)	RMHS LGD	19.12.42	10.9.71	8.11.74	31.12.2002	IDT 14.7.87

2/11/18

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[Signature]

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1.	2.	3.	4.	5.	6.	7.	8.	9.
25.	I. Sreeramulu, B.A. B.Ed.	TGT 1400-2300 (Tel. Pandit)	RPHS. LGT.	1.7.38	16.8.77	12.1.88	31.7.98	RmHS
26.	V. Gopalakrishna, M.Sc. B.Ed.	" (Maths)	-do-	20.7.55	13.6.88	13.6.88	31.7.2016	
27.	N.V. Kalavathy, M.A. BPT	" (Hindi)	-do-	19.5.55	5.8.80	24.8.87	31.5.2015	IDT 27.10.88
28.	P.F. Jeevaratnam, Matric. Hindi Vidwan SGET.	" (Hindi)	-do-	18.4.44	19.11.78	15.6.84	30.4.2014	IDT 10.10.90
29.	E.D. Munde B.Sc. B.Ed.	" (Maths)	RHS/BAU	4.4.56	18.6.88	21.3.90	30.4.2016	
30.	Dorothy Henry M.A. SGBT	" (Arts)	RPHS. LGT	15.8.39	13.6.61	8.7.91	31.6.99	RmHS
31.	N.V. Ramana B.Sc. B.Ed.	-do-	-do-	25.5.53	4.6.75 as Comm. Ck.	11.8.80	31.5.2013	IDT 12.8.91
32.	Indira Vidyasagar B.Sc. B.Ed.	-do-	-do-	12.4.49	26.3.74	1.3.92	30.4.2009	RmHS
33.	M. Vasantakumari Triple M.A. B.Ed.	-do-	-do-	12.3.44	24.7.75	1.10.93	31.3.2006	
34.	D. Rajani Kumari M.A. BEd. B.Ed.	-do- (PTI)	-do-	13.11.63	31.8.93	31.8.93	31.1.2021	
35.	G. Sivarani (SC) M.Sc. B.Ed.	-do- (RichSci)	-do-	6.5.68	14.2.94	13.2.94	30.6.2006	IDT 3.4.95
36.	Rebecca Daniel M.Sc. B.Ed.	-do- (Maths)	RPHS LGT	14.4.63	10.4.95	10.4.95	30.1.2021	
37.	E.S.V. Savitrikumari B.Sc. B.Ed.	-do-	-do-	30.6.64	10.4.95	10.4.95	30.6.2022	
38.	V. Bharathidevi B.A. BPT	-do- (Tel. Pandit)	-do-	26.1.43	3.11.74	20.7.95	31.1.2008	RmHS

Contd...4...

RGHS/NLGD ²³⁵

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1.	2.	3.	4.	5.	6.	7.	8.	9.
12.	M. Akbar Ali, (MTI) Sr. Gr. TGT PUC; TTC	1640-2900	RGHS/ N.LGD	14.10.39	14.10.59	27.10.80	31.10.1999	
13.	K. Vijayprasad Reddy, B.Sc; B.Ed.	-do- (PTI)	-do-	12.07.46	14.08.78	27.10.80	31.07.2006	
14.	M. Thirupiah (SC) E.Sc; B.Ed.	-do-	-do-	14.07.47	04.05.77 (as Signaller)	13.01.81	31.07.2007	
15.	M. Suryanarayana Murthy B.Sc; B.Ed.	-do- (Maths)	-do-	15.08.45	01.01.82	01.01.82	31.01.2005	
16.	G. Dharathi Bai, PUC; Sr.HPT	-do- (Hindi)	-do-	09.08.48	12.06.80	12.06.80	31.01.2008	ILT 17.05.82.
17.	Iqbal Hassan, M.A.; E.Ed (Urdu)	-do- (Urdu)	-do-	22.09.49	09.05.76 (as Clerk) 16.09.82 (as Teacher)	16.08.82	30.09.2009	
18.	M. Vijaya Gowri (ST) M.A.; B.Ed; TTC	-do- (Craft)	-do-	01.09.55	16.06.80	16.06.83	31.08.2015	
19.	C.H. Vijay Lakshmi, B.A.; TTC	-do- (Craft)	RGHS/ N.LGD	10.02.48	13.06.74	05.09.81	28.02.2008	ILT Br. SC/1987, EG; 28.08.83
20.	S. Narayana (SC) B.A.; E.Ed.	-do- (Hindi)	RGHS/ N.LGD	20.10.38	06.07.71	01.01.84	31.10.1998	
21.	T. Venkat Rao, B.A.; B.Ed.	-do-	RGHS/ N.LGD	01.07.45	16.09.71	01.03.84	30.06.2005	ILT Br. SC/1987, EG; 28.08.83
22.	M.V. Suryanarayana, B.A.; E.Ed.	-do- (Maths)	RGHS/ N.LGD	30.06.46	30.05.68	01.03.84	30.06.2006	
23.	M. Govardhan Rao, B.Sc; E.Ed; M.A. (Eng)	-do- (Bio. Science)	RUPS/NBE	14.04.59	01.07.76 (as CC) 14.07.80 (as Teacher)	01.03.84	30.04.2019	
24.	G.N. Sarojini, L.Sc; E.Ed.	-do-	RGHS/ N.LGD	11.04.42	08.11.74	06.06.84	30.04.2002	

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PROVISIONAL SENIORITY LIST OF TRAINED GRADUATE TEACHERS IN SCALE Rs. 1400-2600 (RBRP)
 TELUGU MEDIUM A.S ON 31.3.97.

Sl. No.	Name (S/Sri) & Edu. Qua.	Grade (RBRP)	ScPool	D.O.B	D.O.J.	Date of promotion as TGT	D.O.R	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	D.Saraswathi Devi (SC) B.A.; B.Ed.	Sr.Gr. TGT 1640-2900	RGHS/N. LGD	05.02.40	08.06.59	04.10.67	28.02.2000	
2.	M.Shyamala Rao M.A.; SGBT	-do- (Arts)	RGHS/ N.LGD	15.07.37	11.06.59	15.07.70	31.07.97	
3.	Rani Nelson M.A.; B.Ed.	-do-	-do-	03.12.42	16.09.71	16.09.71	31.12.2002	
4.	K.Kameswar Rao M.A.; B.Ed.	-do-	-do-	01.03.43	06.01.73	06.01.73	28.02.2003	
5.	P.Srilakshmi, B.Sc; M.A; B.Ed.	-do-	-do-	09.05.46	01.01.73	01.02.73	31.05.2006	
6.	C.Lakshminarayana B.A.; B.Ed.	-do-	RGHS/ N.LGD	12.10.43	08.11.74	08.11.74	31.10.2003	
7.	R.Vidyasagar (SC) B.Sc; B.Ed.	-do- (Maths)	RGHS/ N.LGD	17.03.44	16.10.75	16.10.75	31.03.2004	
8.	B.S.V. Radinarayana, B.Sc; B.Ed.	-do-	-do-	01.07.47	01.03.78	01.03.78	30.06.2007	
9.	T.Rangamani, B.A.; B.Ed.	-do-	RGHS/ N.LGD	15.07.42	03.03.75	13.03.78	31.07.2002	
10.	Y. Prampala B.A.; B.Ed.	-do-	-do-	04.11.41	17.06.78	25.06.79	30.11.2001	
11.	M.O. Omar Ali, M.A.; B.Ed.	-do- (MTI)	RGHS/ N.LGD	14.11.41	04.08.69	27.10.80	30.11.2001	

31/3/97

Contd...2... *[Signature]*

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1.	2.	3.	4.	5.	6.	7.	8.	9.
52.	S. Swarnalatha, B.Sc; B.Ed.	TGT (Bio-Sci) 1400-2600	REHS. N. IGD	01.07.54	21.02.85	01.02.95	30.06.2014	
53.	H.V. Nagalakshmi B.Sc; B.Ed.	-do-	RGHS. N. IGD	22.02.58	20.12.84	25.01.95	29.02.2016	
54.	B. Radmaragam (SC) M.A.; B.Ed.	-do-/arts	-do-	16.07.54	24.04.91	02.02.95	31.07.2012	
55.	B. Timothy (ST) B.A.; B.Ed.	-do-/arts	RUPS. NCE	15.01.56	17.04.91	25.01.95	31.01.2014	
56.	T.V. Leelithakumari M.Sc. B.ed.	-do-/Maths	REHS. N. IGD	30.06.64	10.04.95	10.04.95	30.06.2022	
57.	MJE. Vijayakumari B.Sc; B.A.; E.Ed.	-do-/arts	-do-	03.05.43	27.08.65 (as Clerk)	18.12.90	31.05.2003	IDT ex. EZI. 23.04.95
58.	L. Raghamma, M. (Tel) HPT; REP	-do-/Hindi	RGHS. N. IGD	02.07.54	25.6.71 (as Teacher)	27.10.89	31.07.2014	IDT ex. GTL 31.10.95
59.	K. Uma Devi, B.A.; E.Ed.	-do-/Telugu	-do-	04.07.54	28.12.79	15.11.95	31.07.2014	
60.	RGV. Nagavi Jayalakmi B.Sc; B.Ed.	-do-	-do-	15.08.68	14.09.93	14.09.93	31.08.2016	IDT ex. SE/BG 30.3.96
61.	K.V. Syamala	-do-/arts	REHS. N. IGD	12.08.53	20.09.84	07.03.94	31.08.2013	IDT ex. EZI. 23.04.96
62.	E.S.V. Adilakshmi B.A.; TTC	-do-/Craft	RUPS. NCE	23.08.72	12.6.96	12.05.96	31.03.2030	
63.	P. Ananda Babu (SC) M.A.; B.Ed; M.Phil	-do-/arts	REHS. N. IGD	15.01.64	08.07.96	08.07.96	31.01.2022	
64.	K. Lalmai Bai B.A.; SCET	-do-/Hindi	-do-	18.02.46	24.06.80	22.07.96	28.02.2006	
65.	Md. Sakwar Pasha M.A.; B.Ed.	-do-/arts	-do-	12.06.57	14.07.88	22.07.96	30.06.2015	
66.	Gade Saqashiv (SC) B.A.; HPT	-do-/Hindi	-do-	09.10.56	07.08.90	18.02.97	31.10.2014	

31/3

14. Mrs. Ch. Vijayalaxmi D/o N. Ranga Rao, aged 49	1600-2600 12,00 - 2040	1640-2500 1400-2600	5-9-93
15. Mrs. K. Uma Devi D/o Sri K. Bhaskara Rao, aged 43	1600-2600 12,00 - 2040	1640-2500 1400-2600	28.12-91
16. Mrs. Cecilia D/o Sri S. Geore , aged 58	12,00 - 2040	1400-2600	20-3-87
17. Mrs. K.M.S.Rukmini D/o Lazurus, aged 54	12,00 - 2040	1400-2600	1-1-91
18. Mrs. V. Praveena D/o Sri. V. Krupa Rao, aged 52	12,00 - 2040	1400-2600	12-4-88
19. Mrs. A. Elizabeth, D/o Sri A.P Rangaiah, aged 55	12,00 - 2040	1400-2600	12-4-88
20. Mrs. M. Premalatha, D/o Sri. Wilson, aged 51	12,00 - 2040	1400-2600	12-6-92
21. Sri. G. Monohar Babu, S/o Sri G. Jesuratnam, aged 48	12,00 - 2040	1400-2600	10-6-92
22. Mrs. B. Pushpa Rani, D/o Sri James, aged 49	12,00 - 2040	1400-2600	13-3-97
23. Mrs. P. Padvamavathi D/o Sri P. Suryanarayana Rao, aged 53	12,00 - 2040	1400-2600	13-4-88
24. Sri S. Dasarath, S/o Sri Narasaiah. Aged 57	12,00 - 2040	1400-2600	1-1-86
25. Sri. B.G. Victor S/o Late Sri B.C. Aseervadam, aged 55 ,	1400-2600	1640-2900	1-1-86
26. Mrs. Rāhimunisa begum, D/o Mohd. Qutbuddin, aged 53;	1400-2600	1640-2900	1-1-86
27. Sri M.Y.N. Somayazulu, S/o M.S. Somayazulu, aged 50 ,	1400-2600	1640-2900	1-1-87
28. Sri V.B. Vallabhacharyulu S/o Late Sri V. Narasimha, aged 53,	1400-2600	1640-2900	3-7-89
29. Mrs. D. Beberah D/o D. Samuel, aged 51,	1400-2600	1640-2900	3-7-89

for Mr

35 (40)

46. Sri MD. Akber Ali S/oMD. Mustafa Ali , aged 58	1400-2600	1640-2900
47. Mrs. C. Laxmi narayanamma D/o C.V. Vitlaiah, aged 54	1400-2600	1640-2900
48. Mrs. Y. Premeela D/o Samson, aged 56	1400-2600	1640-2900
49. Sri Md. Omer Ali, S/oMD. Mustafa Ali, aged 56	1400-2600	1640-2900
50. Mrs. S. Dhanalaxmi D/o Sri M. Purushotham, aged 57 . . . Applicants	1400-2600	1640-2900
51. Sri M.A. Raheed S/o SK. Abdulla, aged 54	1640-2900	2000-3500
52. Smt. K. Sree Krishna D/o K. Rama Kotaiah , aged 59	1640-2900	2000-3500
53. Sri M. Samba Shiva Rao, S/o M. Viswasunder Rao aged, 54	1640-2900	2000-3500
54. Sri Joseph S/o Mogalappa, aged 57	1200-2040	1400-2600
55. Sri V. R. Bansode S/o Ramachandra , aged 47	1640-2900	2000-3500

1-10-92
8-11-86
25-6-91.
1-10-92
5-9-93
20-6-92
1-4-88
8-1-94
7-6-91
16-8-88.

fr. M



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A.No. of 1997

Between:

Shaik Mastan and
54 others

.. APPLICANTS

A n d

The Chairman,
Railway Board,
Railbhavan,
New Belhi and
8 others

.. RESPONDENTS

AUTHORISATION

We, the undersigned persons, applicants number 2 to 55 in the above O.A. hereby authorise Sri Shaik Mastan S/o Sri Shaik Imam Sahab, our colleague and first applicants in the said O.A.S.R.No. of 1997, to sign on our behalf and in our name, all the papers/documents etc., to be verified and filed in to the Tribunal including such other miscellaneous Applications, appeals etc., connected there with the said O.A. He shall have authority to represent all of us, in the proceedings before the Honourable Tribunal.

- 01. Sri. B.G. Victor ^{Aged. 55} S/o. Sri. (Late) B.C.Aseervadam *[Signature]*
- 02. Mrs. Rahimunisabegum ⁵³ D/o. Sri. Mohd.Outbuddin *[Signature]*
- 03. Sri. M.Y.N. Somayazulu ⁵⁰ S/o. M.S. Somayazulu *[Signature]*
- 04. Sri. V.B.Vallabhacharyulu ⁵³ S/o. (Late) Sri. V. Narasimha charyulu *[Signature]*

- 5. Mrs. D. Deborah 51 D/o. Sri. D. Samuel D. Deborah
- 06. Mrs. A.Y.A.Khan 56 D/o. Sri. Easter Michael A. Y. A. Khan
- 07. Mrs. S.KrishnaKumari 53 D/o. Sri. T. Sree Ramulu S. Krishna Kumari
- 08. Mrs. K. Saroja 59 D/o. Sri. K.R. Krishnamurthy K. Saroja
- 09. Sri. N. V.Sarma 56 S/o. Sri. N. Narasavachanulu N. V. Sarma
- 10. Mrs. S.E.Prema 49 D/o. Sri. S.E. Thirumalai S.E. Prema
- 11. Mrs. Dorthy Henry 58 D/o. Sri. R.J. Franklin D. Henry
- 12. Sri. M. Venkateswara Rao 47 S/o. Sri. M. Muddulu M. Venkateswara Rao
- 13. Sri. Y. Srinivasa Rao 44 S/o. Sri. Y. Ramakoteswara Rao Y. Srinivasa Rao
- 14. Mrs. Sowdhamini 54 D/o. Sri. P.S. Chanchal Rao R.M. Sowdhamini
- 15. Sri. N.V. Ramana 44 S/o. Sri. N. Ramakrishna N. Ramana
- 16. Mrs. G. Indira vidya-48 D/o. Sri. G.S. Devanandam G. Indira vidya-sagar
- 17. Mrs. Mercy veda soundryum 59 D/o. Sri. M.F. David Mercy Veda Soundaryam
- 18. Mrs. P.Pushapanjalidevi 49 D/o. Sri. P. Devasahayam P. Pushpanjali Devi
- 19. Miss.P. Josephine 58 D/o. Sri. P. Dominic Chowdary P. Josephine
- 20. Mrs. A'Druze 50 D/o. Sri. J. Powell A. Druze
- 21. Mrs. G.G. Muthalik 58 W/o. Sri. G.V.Muthalik G. G. Muthalik
- 22. Mrs. P. Jayakumari 44 D/o. P. George P. Jayakumari
- 23. Sri. T. Sree Ramulu 59 S/o. (Late) Sri. T. Pedar T. Sree Ramulu
Ramulu
- 24. Miss. A.P. Padma Bai 52 D/o. Sri. A.T. Partha Sarathy A.P. Padma Bai
- 25. Mrs. Sosamma Hohn 56 D/o. Sri. K.T. John Sosamma Hohn

44

- 26. Mrs. V. Bharathi Devi 49 D/o. Sri. V. Abraham *V Bharathi Devi*
- 27. Mrs. Hoor Banu 42 D/o. Sri. Khader Hussain *Hoor Banu*
- 28. Mrs. CH. Subbalaxmi 49 D/o. (Late) Sri. C.V. Chalapathi - *Ch. Subbalakshmi Rao*
- 29. Mrs. K.L. Kanyakumari 50 D/o. L. Sankhayya *K. Kanyo Kumari*
- 30. Miss. M. Krishnakumari 53 D/o. Sri. Srinivasulu *M. Krishnakumari*
- 31. Miss. P. Premavathy 45 D/o. (Late) Sri. Perumal *P. Premavathy*
- 32. Mrs. G. Bharathi Devi 51 D/o. Sri. G. Umakantham Das *G. Bharathi Devi*
- 33. Sri. MD. Akber Ali 58 S/o. Sri. MD. Mustafe Ali *M. Akber Ali*
- 34. Sri. M.A. Raheed 54 S/o. Sri. SK. Abdulla *M. Raheed*
- 35. Smt. K. Sree Krishna- 59 *Rama* D/o. Sri. K. Kottaiah *K. Krishna*
- 36. Sri. M. Samba shiva rao 54 S/o. Sri. M. Viswasunder Rao *M. Sambasivarao*
- 37. Sri. Joseph 57 S/o. Sri. Mogalappa *Joseph*
- 38. Sri. V.R. Bansode 47 S/o. Sri. Ramachandra *Bansode*
- 39. Mrs. C. Laxminarayanamma 54 D/o. Sri. C.V. Vitlalah *C. Lakshmi Narayana*
- 40. Mrs. Y. Premeela 56 D/o. Sri. Samson *Y. Premeela*
- 41. Mrs. Rangamani 55 D/o. Sri. Janathan Rao *P. Rangamani*
- 42. Mrs. CH. Vijayalaxmi 49 D/o. Sri. N. Ranga Rao *Ch. Vijaya Lakshmi*
- 43. Mrs. K. Umadevi 43 D/o. Sri. K. Bhaskara Rao *K. Umadevi*
- 44. Mrs. Cecilia 58 D/o. Sri. S. George *Mrs. Cecilia*
- 45. Mrs. K.M. Rukmini 54 D/o. Sri. Lazurus *K.M.S. Rukmini*
- 46. Mrs. V. Praveena 52 D/o. Sri. V. Krupa Rao *V. Praveena*
- 47. Mrs. A. Elizabeth 55 D/o. Sri. A.P. Rangaiah *A. Elizabeth*
- 48. Mrs. M. Premalatha 51 D/o. Sri. Wilson *M. Premalatha*
- 49. Sri. G. Manohar Babu 48 S/o. Sri. G. Jesuratnam *G. Manohar*
- 50. Mrs. B. Pushparani 49 D/o. Sri. James *B. Pushparani*
- 51. Mrs. P. Padmavathi 53 D/o. Sri. P. Surayanarana Rao *P. Padmavathi*
- 52. Sri. S. Dasarath 57 S/o. Sri. Narasaiah. *S. Dasarath*
- 53. Sri. Md. Omer Ali 56. S/o. Sri. Mustafa Ali *M. Omer Ali*
- 54. Mrs. S. Dhanalaxmi 57 D/o. Sri. M. Pursotham *S. Dhanalaxmi*

① Material Papers are Common.— The proposed reduction is not confined to the Applicants. It is gathered from the Correspondence of the respondents among themselves. As the last annexure sounded the bell, the application has been moved in the Circumstances of the Case, gathering the relevant Material Papers.

② Regarding impugned Order and brief history, the Circumstances have been explained at Pt. No 1 in the O.A.

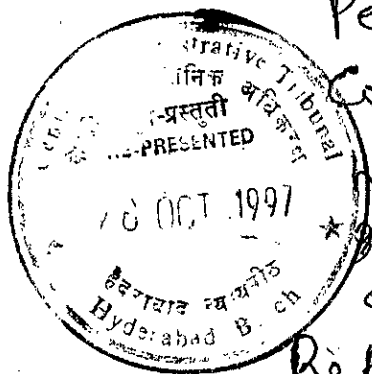
③ I.P. order for Rs 20/- will be filed tomorrow as now the time is over to procure the same. I undertake to file the same.

④ Designation of the applicants have been Made in the Cause title.

⑤ Representation have not been made, since there neither such is provided in the rules/regulation of the institution concerned nor there is time to take such recourse.

⑥ Since an authorisation has been given by all the applicants (except 1st applicant) in favour of the 1st applicant the verification has been made by the 1st applicant alone. An MA has been filed by the 1st applicant seeking permission of the Hon'ble Tribunal to permit him to file a single application.

⑦ It is submitted that a Statement of Factual Particulars be permitted to file during the course of proceedings. Earlier the Particulars have not been mentioned in a statement filed since I am under the impression that Representation aspect alone overlooked.



Represented by Pr Ramesh Kumar
Counsel for Applicant

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL.
HYDERABAD BENCH.

O.AREGD. NO. 3462/97

Date: 27/8/97.

To Mr. J. K. Nayak, Adv.
Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

① Original papers w.r.t. all the applicants to be filed.

② Prop. orders are to be noted in line ① and brief subject.

③ P.O. for Rs. 20/- to be furnished.

④ Designation of the applicants to be noted in CT.

⑤ Representations made by the applicants are to be filed.

⑥ All applicants to sign the OA and verifications to contain all the particulars of the ~~OA~~ applicants.

⑦ A statement showing the earlier fixations particulars of all the applicants to be furnished.

DEPUTY REGISTRAR (JUDL)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYB BRANCH:
AT HYDERABAD

46

1959
O.A. No. 578/97

BETWEEN:

Shaik Mastan & 2
54 Others.

.. Applicants

AND

Divisional Railway Manager,
Hyderabad Division & Others.

.. Respondents.

COUNTER AFFIDAVIT FILED BY THE RESPONDENTS

I, N.V.Ramana Reddy S/o (Late) N.C.R.Reddy aged about 34 years,
Occupation: Government Service R/o Secunderabad do hereby
solemnly affirm and state as follows:

- 1) I am the Respondent No. 4 herein and as such I am well acquainted with the facts of the case. I am filing this counter affidavit on my behalf and on behalf of other respondents as I am authorised to do so.
- 2) The Contents in paras (1) to (3) are formal and need no reply. In reply to 4(i) to (vi) of the O.A. it is submitted that the facts regarding service particulars and other particulars are correct. The respondents have strictly implemented the Railway Instructions in this regard.
- 3) In reply to 4(vii) of O.A., it is submitted that on completion of 12 years of continuous service in basic grades, the applicants were allotted senior grades i.e., next higher grade of their basic grades which are not promotional grades (Rly.Board's letter annexed).

In reply to 4(viii) of O.A., the aspects with regard to giving higher grades are not disputed but the grades are non-functional i.e., the Teachers who were allotted higher grades were not shouldered with higher responsibility. These grades were allotted on virtue of completion of 12 years of service in one particular grade. The FR-22(c) will apply only in case of promotion and the fixation of grade will be made as per FR-22(c).

ATTESTED

[Signature]

सहायक कार्यालय अधिकारी
हैदराबाद विभाग, स. स. र. वि.
Assistant Personnel Officer,
Hyderabad Division, S. C. Rly.

[Signature]
DEPONENT

कार्यालय सहायक कार्यालय अधिकारी
हैदराबाद (सी. स. र. वि.) सहायक
प. म. रेलवे, हैदराबाद
Sr. Divl. Personnel Officer
Hyderabad (MG) Divn.,
S. C. Railway, Secunderabad

11/11/59
A
G.P.S.

- 4) In reply to para 4(ix) & (x) of O.A., it is submitted that the applicants were not promoted from basic post to higher post and they were not shouldered with any higher responsibilities on allotment of senior grade. Hence, the question of fixation of pay under rule 2018(B)(FR-22(c)R II) does not arise. They are entitled for fixation under rule 2017(a)ii(FR-22(I)a(ii)R II). The applicants are not having any legal right for fixation under rule 2018(B)(FR-22(c)R II). Any erroneous fixation will not ^{vest} get any right on the basis of such fixation. Hence, their pay was refixed correctly during Oct'97 as per Railway Board instructions, and the erroneous over payments involved are to be recovered from the salaries of the applicants.
- 5) In reply to para 4 (xi) to (xiv) of O.A., it is submitted that the refixation was done to some of the applicants correctly, under rule 2017(a)ii(FR-22(I)a ii-R II). Hence, the contention of the applicants that refixation is yet to be done is false, vexatious and baseless. The applicants may be put to strict proof of such false averments. The above refixation was done as per the Railway Board instructions. As already explained in the above para refixation of pay was already done in some of the cases and the remaining cases are being reviewed and pay is being correctly fixed from Nov'97 onwards. The excess payments made due to wrong fixation on allotment of senior grades are being worked out by concerned pay drawing authorities for recovering the same. The respondents are legally entitled to recover the same as the applicants are benefitted on erroneous fixation of pay.
- 6) In reply to para 4(xv) of O.A., it is submitted that the contention of the applicants are incorrect and denied as the Railway Board's orders clearly stipulate that they are entitled for fixation under rule 2017(a)ii(FR-22(I)a ii-R II). Hence, any wrong fixations done or any letters which have no authority to review the standing instructions issued by Railway Board have no legal validity, as the Railway Board is the apex body to form rules/circulars/instructions relating to employees working under Railway administration. As per para-7 of the instructions dated 29.4.86 it is clearly

ATTESTED

[Signature]

[Signature]
DEPONENT

CONFIDENTIAL
 Sr. Div. Secy. (P) & J. Secy.
 Sr. Div. Secy. (P) & J. Secy.
 Sr. Div. Secy. (P) & J. Secy.
 Sr. Div. Secy. (P) & J. Secy.
 Sr. Div. Secy. (P) & J. Secy.

mentioned that the pay to be fixed as per (FR-22(I)a ii-R II) R II
 Railway Board's letters annexed by the applicants clearly indicate that they are not entitled for the relief prayed for. The applicants non-entitlement of fixation under rule 2018(B)(FR-22(c)R II) but entitlement under rule 2017(a)ii(FR-22(a)ii-R II) is clearly explained in the above paras based on the Railway Board's instructions. The applicants are trying to mislead the Hon'ble Tribunal for getting wrong fixations and undue benefits on extending such fixations. The erroneous fixation was done as per (FR-22(c) in the case of the applicants on 1994 and thereafter to that the date the pay was fixed as per (FR-22(I)a-R II).

7) In reply to Para 5(i) of O.A., it is submitted ^{that} the applicants are not entitled for fixation of pay under rule 2018(B) (FR-22(c)R II) but entitled for fixation under rule 2017(a)ii (FR-22(a)ii-R II). The respondents have the authority to re-fix the pays of the applicants under rule 2017(a)ii(FR-22(a)ii-R II). The erroneous over payments already made are to be recovered. The re-fixation was done after serving due notice through proper channel i.e. the concerned Headmaster/Principal. The applicants version and claims are baseless and also without any authority.

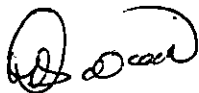
8) Hence, the applicants are not entitled for the relief prayed for, as they have no legal right and the Railway Board's letters clearly stipulate that they are not entitled for the relief prayed for ~~xxx~~ and the O.A. may be dismissed with costs.

Sworn and signed on
 this 11th day of November 1997.


 DEPONENT

वरिष्ठ मंडल कार्यालय अधिकारी
 हैदराबाद (सी.सी.) मंडल
 द. म. रेलवे, हैदराबाद
 Sr. Divl. Personnel Officer
 Hyderabad (MG, Divn.,
 S. G. Railway, Secunderabad

ATTESTED



सहायक कार्यालय अधिकारी
 हैदराबाद मंडल, द. म. रेलवे
 Assistant Personnel Officer
 Hyderabad Division, S. G. Rly.

(1) The new selection grade introduced vide the Ministry's letter of 11.1.89 is to be given to eligible teachers who have completed 18 years of service in the Senior Grade, subject to fulfillment of all the prescribed conditions for the selection grade.

(b) In the case of primary school teachers and trained graduate teachers, the condition that the placement in the selection grade will be subject to acquiring the prescribed level of higher qualification, may be waived provided those teachers have already completed 18 years of service in the revised/pre-revised grade structure. Those who have not completed 18 years of service, as well as new entrants, have to acquire the prescribed level of higher qualification for consideration for the selection grade.

(c) There could be cases of teachers, who are presently working in a grade higher than the one to which recruited, for example, a primary school teacher initially recruited to the grade of Rs. 330-560/1200-2010 (RPS) may have reached the ordinary grade of Rs. 1400-2600 in the normal course by promotion as a Headmaster/Trained Graduate Teacher. For fixation of their pay and determination of appropriate pay scale, their service in the present grade will be counted from the date of promotion as per the usual practice. However, this could lead to a situation where a primary school teacher in the revised ordinary grade of Rs. 1200-2010 being promoted to the senior grade of Rs. 1400-2600 in the new grade structure and drawing more pay than his senior, who has reached the ordinary grade of Rs. 1400-2600 should be stepped up to the level of the junior placed in the senior grade of Rs. 1400-2600 on completion of 18 years service, subject to screening by the D.P.C. This is an illustration and may be applied to similar such cases of anomalies.

(7) There are situations in the new grade structure where the selection grade (non-functional) allotted to a particular category of teachers, happens to be higher than the basic promotional grade to be allotted on promotion. For example, a trained graduate teacher holding the selection grade (non-functional) of Rs. 2000-3500 will ordinarily be promoted to the post-graduate teacher/headmaster whose basic grade is Rs. 1610-2900. In such cases, since the selection grade happens to be higher than the basic grade of the promotional post, the pay of such teachers will be fixed in the corresponding senior grade of the promotional post, which is identical to the selection grade of the post from which promoted. However, since the pay scales are identical, the pay in such cases will be fixed only under Rule 2017(a) (ii) (FR-22 (a) (ii) -RII and not under Rule 2018-B (FR-22-C)-RII. In all other cases where appointment takes place from a lower grade to a higher grade, which is superior to the lower grade, pay will be fixed under Rule 2018-B (FR-22-C) R.II.

In the normal course, due to promotion.
In such cases, the pay of senior in the ordinary grade of Rs. 1400-2600 Contd...3

Attended

[Signature]

Hyderabad District Office
Assistant District Officer
Hyderabad District Office

Headquarters Office,
Personnel Branch,
Secunderabad,
Dt. 29-1-1988.

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1988/1/1000

HYB, BZA, GTL & UBL
GME (WW) GTPL.

Sub: Revision of Pay Scales of School Teachers
clarifications regarding.

A copy of Board's letter No. E (P&A) 1-87/PS-5/P-5
dt. 11.4.88 on the above subject is sent herewith for information
and necessary action. The Board's letter dt. 1.1.88
is circulated vide this Office letter of even No. dt. 27.1.88.

and version is enclosed.

(V.D. Kothandaraman)
for Chief Personnel Officer.

By: Sr. DMO/CC, HYB, BZA,
GTL, UBL & SA/WW/GTPL
Dy. CPO/G, SPO (R&S), SPO (M&P)

of Railway Board's letter No. E(P&A) 1-87/PS-5/PE-5
11.1.1988. Addressed to The General Managers, All Indian Railways

Sub: Revision of pay scales of school teachers -
clarifications regarding.

In pursuance of instructions contained in this Ministry's
letter of even number dated 11.1.1988, and in the context of certain
issues raised in the matter, the Ministry of Railways, in consul-
tation with the Department of Education, desire to clarify as under:-

- 1) The pay of all teachers will be initially fixed as
1.86 in the basic grade introduced on the recommenda-
tion of the Chattopadhyay Commission, which is the same as
the revised scale introduced on the recommendations of the
Central Pay Commission.
- 2) Those who have completed 12 years of service in the
old /pre-revised scales, will be placed in the senior
grade subject to screening by the Departmental Promotion
Committee. Those not found fit by the D.P.C. will remain/
be placed in the basic grade.
- 3) Since the selection grade introduced on the recom-
mendations of the 4th Pay Commission is now the same as
the senior grade in the new scales structure introduced on
the recommendations of the Chattopadhyay Commission, such
teachers who are already in the selection grade,
based on the recommendations of the 4th Central Pay
Commission, will be placed in the new senior grade, without
any screening by the Departmental Promotion Committee.

Contd..

Attested

R. S. Rao

Assistant Personnel Officer
Secunderabad Division, S. C. No.

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III

(8) The teaching allowance of Rs. 100 p.m. and the teacher allowance of Rs. 150 p.m. will not have the characteristic of 'pay' for any purpose whatsoever and will, therefore, not be reckonable for payment of dearness allowance, etc., as well as pension and other post-retirement benefits. Teaching allowance will also not be admissible when the teacher works on cadre posts to which teaching duties are not attached. Payment of these allowances can be authorised without waiting for finalisation of fixation of pay in the senior grade, selection grade, etc.

(9) The revised grade structure, vide this Ministry's letter of 11.1.88, will also be applicable to librarians and other cognate categories with specific instructional duties carrying different designations. Most of these designations have already been covered in the annexure to this Ministry's letter of 11.1.1988.

(10) In the revised grade structure, headmasters of primary schools and middle schools have been equated with trained graduate teachers and post-graduate teachers, respectively. It is, therefore, necessary for the headmasters to have the same academic qualifications as prescribed for the teaching post with which they are equated.

(11) There could be cases of teachers who have been recruited/promoted with qualifications lower than the ones prescribed for direct recruits, under the existing promotion rules. Such teachers will be eligible for the selection grade only on acquiring the prescribed higher level of qualification. Such teachers will also not be eligible for promotion to the next higher grade, which carries a higher level of qualification, until they acquire that qualification.

This is done with the concurrence of the Finance Directorate of the Ministry of Railways.

Hindi version is attached.

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C. J. APP

Attested

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सहायक कर्मिक अधिकारी
इलाहाबाद पड, द. म. रं.
Assistant Personnel Officer,
Lucknow Division, S. C. Ry

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dearness allowance, house rent allowance, retirement benefits etc. After careful consideration of the whole matter, in consultation with Department of Personnel & Training, the President is pleased to decide that when a Railway employee is appointed from one post to another, where the appointment to the new post does not involve assumption of duties and responsibilities of greater importance than those attached to the old post, he will draw as initial pay the stage of time scale of pay the new post which is equal to his pay in respect of the old post, or if there is no such stage, the stage next above his pay in respect of the old post. While in the former case his next increment in the old post, in the latter case his next increment in the new post, however, will become due on completion of the required period, after which an increment is earned in the time scale of the new post, is higher than his pay in respect of the old post, he would draw that minimum as his initial pay. / If the minimum pay of the time scale of the new post

3. With a view to avoiding pay anomalies between seniors and juniors appointed before and after accrual of increment in the old post, the President is also pleased to decide that a Railway employee on his appointment to such a new post may be given an option for fixation of his pay in the new post either straight away with effect from the date of his appointment to the new post or with effect from the date of his next increment in the old post. In either case the date of next increment will fall due only on completion of the required period of qualifying service, from the date the pay is fixed in the new post. The method of pay fixation will be as given in the examples annexed. (Annexure A).

4. This option has to be exercised by the Railway employee within one month from the date of such appointment and the option, once exercised, shall be final.

5. These orders would be deemed to have taken effect from the 1st January, 1986. Railway employees, who have been appointed to such posts not involving assumption of duties and responsibilities of greater importance, with effect from 1.1.1986 and are holding such posts on the date of issue of these orders, should exercise the option within a period of three months of the date of issue of this letter if they want to switch over to the new formulations.

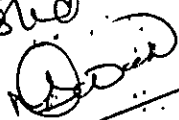
ANNEXURE 'A'

ILLUSTRATIONS

1) Shri 'A' drawing pay of Rs.4850/- in the junior Administrative Grade scale Rs.3700-125-4700-150-5000 with date of next increment 1.9.88 is appointed to the Selection grade scale Rs.4500-150-5700 from 1.7.1988:-

- (i) If he opts for selection grade scale from 1.7.1988, his pay will be fixed at Rs.4950/- on 1.7.1988 with date of next increment as 1.7.1989.
- (ii) If he opts to come over to the selection grade scale from the date of next increment in junior Administrative grade i.e. 1.9.1988, when his pay in Junior Administrative grade will be Rs.5000/-, his pay in the Selection Grade will be fixed at Rs.5000/- from 1.9.1988 with date of next increment as 1.9.1989.

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Attested


व्यक्तिगत अधिकारी
 Assistant Personnel Officer
 Head Division S. C. R.

Rule 2017(a)(11)(RR22(a)(11)) provides that when a railway employee is appointed to a post which does not involve assumption of duties and responsibilities of greater importance than those attached to the post already held by him, then he will draw as his initial pay the stage of the time scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay, plus personal pay equal to the difference and, in either case, will continue to draw that pay until such time as he would have received an increment in the time scale of the old post or for the period after which an increment is earned in the time scale of the new post, whichever is less. The rule also provides that at the minimum pay of the time of the old post, he would draw that minimum as initial pay. Again, in this Ministry's letter No. PC-IV/87/Imp/19, dated 4.12.1987, it has been provided that fixation of pay of officers of Organized Group 'A' railway services, appointed to the selection grade of the service, should be governed by the provisions of rule 2017(a)(11) / RR 22(a)(11) / 2. II.

It has come to the notice of this Ministry that when pay is fixed in the manner indicated in the preceding paragraph, in a number of instances and, in particular, in those cases where there is no stage in the scale of pay attached to the new post, equal to the pay drawn in respect of the old post, the railway employee is put to a disadvantage in that his pay is fixed at the stage next below his pay in the old post and the difference is granted to him as personal pay which is however not counted for the purpose of various allowances like house rent, etc.

Subject: Fixation of pay on appointment from one post to another not involving assumption of higher duties and responsibilities including appointment to non-functional selection grade posts.

Copy of Rly. Bd's letter No. PC-IV/89/ROP/2, dt. 7.6.89 (RBB No. 149/89) to GMA/All Indian Railway and others.

Copy of Board's letter No. PC-IV/89/ROP/2, dt. 7.6.89 together with a copy of the letter dt. 4.12.87, is forwarded for information, guidance and necessary action.

All concerned:
 Dated: 29.6.1989
 120/89

Personnel Branch, Office
 General Manager, office
 Personnel Branch,
 Secunderabad.

South Central Railway

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II) Shri 'B' drawing pay of Rs.1800/- in the scale of Rs.1400-40-1600-50-2300-75-60-2600 as 'Mistry' with date of next increment as 1.4.1989 promoted as 'Chargeman-B' in the identical scale on 1.12.1988 will have his pay fixed in the post of Chargeman-B at Rs.1800/- with the date of next increment as 1.4.1989.

Copy of Railway Board's letter No. PC-IV/87/Imp/19, dt. 4.12.1987. addressed to the Gm/All Indian Railways.

Sub:- Selection Grade in Group 'A' services - orders regarding fixation of pay.

Reference this Ministry's letter of even No. dated 24.8.1987 the above-mentioned subject.

The President is pleased to decide that the fixation of pay the Officers appointed to the selection grade should be governed the provisions of Rule 2017(a)(ii)-R.II. FR22(a)(ii). These are summarised as below:

Pay on appointment to the selection grade:

- i) A member of service shall be entitled to draw pay in the selection grade only on appointment to that grade;
- ii) The pay of a member of the Service in the Junior Administrative grade shall, on appointment to the selection grade be fixed (a) at the stage which is equal to his pay in the Junior Administrative grade or if there is no such stage, the stage next below that pay, plus plus personal pay equal to the difference to be absorbed in future increases in pay or (b) the minimum of the Selection Grade, whichever is higher.
- iii) The next increment in the Selection Grade would secure after rendering the requisite qualifying service in that grade.

I N D E X No.1036 - Fixation of pay.

Board have indicated the manner in which the fixation of pay is to be regulated w.r.f. 1.1.1986, where a railway employee is appointed from one post to another, not involving assumption of duties and responsibilities of greater importance. For this purpose, the employee has to exercise an option either from the date of his appointment to the new post or w.r.f. the date of his next increment in the old post and it should be given within one month from the date of such appointment. Option once exercised shall be final. Those who are holding the posts as on the date of issue of Board's letter may be allowed to exercise the option within 3 months, i.e., on or before 6.9.1989.

tap/-26.

Attested
[Signature]

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Copy of Board's letter No. E(P&A)I-07/PS-5/PE-5 dated 6-7-89 (ABE No. 172/89).

Sub: Revision of pay scales of school teachers.

Attention is invited to this Ministry's letter No. PC-IV/89/FOP/2 dated 7-6-1989 regarding fixation of pay on appointment from one post to another not involving assumption of higher duties and responsibilities including appointment to non-functional selection to grade posts. In partial modification of the instructions contained in para (7) of this Ministry's letter of even number dated 11-4-88, it is clarified that the orders contained in Board's letter of 7-6-89 will be applicable to school teachers also, wherever fixation of pay has to be regulated under the provisions of Rule 1313 (FR 22) (a) (ii) - R.II.

This has the concurrence of the Finance Directorate of the Ministry of Railways.

.....

Attested
[Signature]

उत्तर प्रदेश राज्य
राज्य शिक्षा बोर्ड
असिस्टेंट सचिव, शिक्षा
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PM/SW
SOUTH CENTRAL RAILWAY

Headquarters Office,
Personnel Branch/Secunderabad.

No.P.594/P/Vol.VI&.

Dated: 04/02/1997.

DRM's(P)SC, HYB, BZA, GTL, UBL,
Principal/RJC/LGD, RJC/KZJ, RJC/BZA, RJC/GTL,
Principal/RDC/LGD,

Sub: Revision of Pay scales of School
Teachers - Clarifications regarding.

- oOo -

A copy of Railway Board's letter No.E(P&A)I-96/PS-5/PE-8 dated 08/01/1997 on the above subject is sent herewith for information, guidance and necessary action.

R...
(T.P.V.S. SEKHARA RAO)
for Chief Personnel Officer

C/- FM&CAO/SC, Sr.DAO/SC, HYB, BZA, GTL, UBL,
C/- WPO/WV/GTBLs, SPO/R&S, SPO/M&PC,

Copy of Railway Board's letter No.E(P&A)I-96/PS-5/PE-8 (RBE No.9/97), addressed to Gms, All Indian Railways.

"CORRECTION"
Sub: Revision of Pay Scales of School
teachers-clarifications regarding .

Ref: This Ministry's letter No.E(P&A)I-87/PS-5/PE-5, dated 23.3.1989.

- oOo -

The clarification appearing against point No.(iii) of Board's letter referred to above may be substituted as under :-

" On appointment to non-functional senior grade/selection grade pay of the teachers shall be fixed in accordance with the provisions of Rule 2017 (a)(ii) R 22 (I) (a) (ii) - R. II.

Attested

[Signature]

सहायक कार्यालय अधिकाधिक
हैदराबाद, २० नं० २०
Assistant Personnel Officer,
Hyderabad Division, S. C. Div.

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SOUTH CENTRAL RAILWAY

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HEADQUARTERS OFFICE,
Personnel Branch,
Secunderabad.
Dt: 08-5-1997.

No.P.594/P/Vol.VII.

DRM(P) HYB /SC / BZA / GTL / & UBL.

Sub: Revision of Pay scales of School Teachers
- Fixation of pay on promotion from
lower grade to higher grade and on
placement from Basic grade to Senior Gr.
and Sr. Grade to Selection grade.

Ref: This office letters of even No. dated
11-1-96/and 23-4-97. /4-2-97

.....

Attention is invited to this office letters
quoted above wherein it was emphasised that on appointment
to non-functional Senior Grade / Selection grade, the pay
of the Teachers shall be fixed in accordance with provisions
of Rule 2017(a) (ii) (FR 22-I) (a) (ii)-R.II.

While implementing the above instructions
there may be cases of over payment due to refixation of
pay. Railway Board desires to know the financial implications
in case the over payments are not recovered.

As this is a DC/JCM item, you are requested
to send the information, duly got verified by the Sr.DAO
concerned, by return, treating this as MOST URGENT.

Rashmi
(Rashmi Chowdhary)
Dy.CPO/IR
for Chief Personnel Officer.

Sis. M. Mahesh

Please advise all Hqs to
provide the over payment
particulars and also give that the
order is on fixation on implemented
all the schools on the Division.

[Signature]
9-5-97

Attested
[Signature]

सहायक कार्यालय प्रमिताली
इंदरगढ़ रेलवे स्टेशन
Assistant Personnel Officer
Secunderabad Division, S.C.R.

☆

S.C. Railway
Office of the DRM(P)/HYB/SC
No. YP/594/SCH/National Commission

Dated: 12.5.97

Principals: RJC. LGD; RHSS. MM. PAU
Gaz. HMs: RBHS. N. LGD; RGHS. N. LGD;
RMHS. S. LGD; RHS. EM. PAU.
HMs: RUPS. NZB; RPS. J
I/Cs: RPS. SC; KCG; MBNR; KRNT; RGO; MVO.

Sub: Revision of pay scales of School Teachers -
Clarification.

Ref: 1) This office Lr. of even No. dated 10.2.97
ii) CPC/SC's Lr. No. P. 594/P/Vol. VII dated 23.4.97.

Please refer to this office letter cited (i) wherein you were advised to refix the pay of the teachers who were allotted senior grades and selection grades under Rule 2017(a)(ii), FR-22(I)(a)(ii)-R.II.

Please confirm whether the same has been implemented and pays are drawn after due fixation i.e. under FR-22(a) with immediate effect.

This office may be advised of the quantum of over payment in respect of each of the senior grade/selection grade Teacher working under your control consequent to fixation of pay under Rule FR-22(c) and refixation under Rule FR-22(a) to enable this office to furnish the details to Headquarters for further transmission to the Railway Board.

The information should be made available to this office by 19.5.97 certain.

All the heads of the institutions are advised to comply with and submit the required information through a special messenger without delay.

(E. SUKUMARAN)
for DRM(P)/HYB/SC.

Copy to: AEN. N. HYB. ANE. Jalna AEN. KRNT for information and necessary action please.

Copy to: Sr. DAO. HYB for information please.

for DRM(P)/HYB/SC.

Assistant Personnel Officer
Hyderabad Division, S. R. N.

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भारत सरकार GOVERNMENT OF INDIA
 रेल मंत्रालय MINISTRY OF RAILWAYS
 (रेलवे बोर्ड Railway Board)

Office
 14 JUL 1977
 S.C. Rly

रेल भवन, नई दिल्ली-110001, तिथि 7-7-97
 Rail Bhavan, New Delhi-110001, dated 7-7-97

No.E(P&A)I-96/JCM/DC-5

The General Managers,
 ✓ S.C. Rly and DCW.

CPO
 15/7

रेलवे बोर्ड
 रेलवे बोर्ड
 रेलवे बोर्ड
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Sub: DC/JCM Item No. 56/96 - Revision of pay scales of school teachers
 Fixation of pay on promotion from lower grade to higher grade and off
 placement from basic grade to senior grade and senior grade to Selection grade.

Ref.:S.C. Rly's letter No.P594/P/Vol.VII dated 10.6.97 and DCW's letter No.
 DCW/I/S/227dated 25.6.97.

7.6.89-7
 (iv)

Kind attention is drawn to Board's letter dated 6.7.89(copy enclosed for
 ready reference) regulating the pay of teachers on grant of non-functional Senior/Selection
 Grade under FR-22-a.

As such, pay of all those teachers who have been placed in non-functional
 Senior/Selection Grades be re-fixed and recoveries of over payments of salaries on
 account of re-fixation of pay under FR-22-a may please be worked out and intimated to
 Board urgently.

DA : As above.

(Shiv Dan Singh)
 Jt. Director, Estt.(P&A),
 Railway Board.

To be circulated
 as "serial"

16/7

Alleged

Assistant Personnel Officer
 Hyderabad Division, S. C. Rly

Dr. Prashant

1413
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SOUTH CENTRAL RAILWAY

HEADQUARTERS OFFICE
PERSONNEL BRANCH
SECUNDERABAD.

Dated: 25-8-97

No. P(R)594

ALL CONCERNED

PERSONNEL BRANCH SERIAL CIRCULAR NO: 145 /97

Copy of Board's letter No. E(P&A)I-96/JCM/DC-5 dated 7-7-97 is forwarded for information, guidance and necessary action. Board's letter dated 6-7-89 referred to therein was circulated under letter No. P/594/P/Vol.VI dated 2-8-89.

(Signature)
(C.V. NARAYANA)
SPO/RULES

for CHIEF PERSONNEL OFFICER

Copy of Board's letter No. E(P&A)I-96/JCM/DC-5 dated 7-7-97

Sub: DC/JCM Item No. 56/96 - Revision of pay scales of School Teachers - Fixation of pay on promotion from lower grade to higher grade and on placement from basic grade to senior grade and senior grade to selection grade.

Ref: S.C. Rly's letter No. P.594/P/Vol. VII dated 10-6-97 and RCW's letter No. DCW/I/S/227 dated 25-6-97.

Kind attention is drawn to Board's letter dated 6-7-89 (copy enclosed for ready reference) regulating the pay of teachers on grant of non-functional Senior/Selection Grade under FR-22a.

As such, pay of all those teachers who have been placed in non-functional senior/selection Grades be re-fixed and recoveries of over payments of salaries on account of re-fixation of pay under FR-22a may please be worked out and intimated to Board urgently.

Back Ref.	Index	1036 FIXATION OF PAY	S.C. No.
Letter No. P.594/P/Vol.VI dt. 2-8-89		Fixation of pay of school teachers - Teachers who have been placed in non-functional senior/Selection grades, the rule 1313 (FR 22) (2) (ii) shall be invoked.	145 /97

copy to school
What are the papers

(Signature)

महात्मा जयप्रकाश प्रसाद
इंस्ट्रक्टर जनरल, स. रेलवे
Personnel Officer
Hyderabad Division, S. C. Rly

59

ADMINISTRATIVE - GENERAL
SELECTION - GRADE
(High, Junior, Senior)

CATEGORY	BASIC GRADE	SENIOR GRADE	SELECTION - GRADE
Primary School Teachers Grade Rs. 1200-2040 (Revised)	Rs. 1200-30-1680-EB-35-1550-EB-40-1800-EB-40-2040	Rs. 1400-40-1500-50-1650-EB-50-1950-EB-50-2200-EB-50-2300-60-2630 (After 12 years in Basic Grade)	Rs. 1640-50-2000-EB-50-2150-EB-50-2300-75-2900 (After 12 years of service in Sr. Grade and on appointment of qualifications laid down for GTS).
Head of Technical staff (Revised) Rs. 2000-3500	Rs. 2000-60-2300-75-2375-EB-75-2625-EB-75-3200-100-3300-EB-100-3500	Rs. 2200-75-2650-EB-75-2900-100-3200-EB-100-3900-EB-100-4900 (After 12 years in Basic Grade)	Nil
Instructor Tech. Group, Manual, Instructor, Asst-Instructor for Workshop (Revised) Rs. 1400-2600	Rs. 1400-40-1600-50-1650-EB-50-1950-EB-50-2250-EB-50-2300-60-2600	Rs. 1540-50-2080-EB-50-2360-60-2600-75-2750-EB-75-2900 (After 12 years in Basic Grade)	Rs. 2000-60-2300-75-2375-EB-75-2925-EB-75-3200-100-3300-EB-100-3500 (After 12 years service in the Sr. Grade and on appointment of qualifications prescribed for GTS).
Commercial Instructor (Revised) Rs. 1200-2040	Rs. 1200-30-1380-EB-30-1560-EB-40-1800-EB-40-2040	Rs. 1400-40-1600-50-1650-EB-50-1950-EB-50-2250-EB-50-2300-60-2600 (After 12 years in Basic Grade)	Rs. 1640-50-2000-EB-50-2360-EB-50-2600-75-2750-EB-EB-75-2900 (After 12 years service in Sr. Grade and on appointment of qualifications laid down for GTS).

Attached
D. S. Rao

ASSISTANT SECRETARY
Office
Hyderabad Division, S. C. Div.

Those who have completed 12 years of service in the revised scales, will be placed in the senior

14

1

REVISED SCALES OF PAY ON THE RECOMMENDATIONS OF THE

ADMINISTRATIVE

NATIONAL COMMISSION ON TEACHERS

CATEGORY

BASIC GRADE

SENIOR GRADE

SELECTED GRADE
(Non-Functional)

1) Vice-Principal/Headmaster/
Head Mistress of Secondary/
High school.

Rs. 2000-3500
(Revised)

Rs. 2000 - 60 - 2300-75
2375-EB - 75 - 2825-
75- 3200- 100- 3300 -
EB 200 - 3500.

Rs. 2200-75-2650-EB-
75-2800-100-3200-EB-
100-3800-EB-100-
4000 (after 12 years
in basic grade)

2. PGT/Head Master/
Headmistress of
Middle School-
Rs. 1640-2900
(Revised)

Rs. 1640-60-2000
EB-60-2360-EB-60-
2600-75-2750-EB-75-
2900

Rs. 2000-60-2300-75-
2375-EB-75-2825-EB-
75-3200-100-3800-100-
3500- (after 12 years
in basic grade)

Rs. 2200-75-2650-EB-75-
2800-100-3200-EB-100-
3500-EB-100-4000
(after 12 years in
Senior Grade)

3. Trained Graduate
Teacher, M.T.S
of primary schools/
Domestic science
Teacher Gr.-I/
Drawing Teacher
Gr.-I/Music Teacher
Gr.-I/Language
Teacher PGT/
PTA Gr.-I/Craft
Teacher/Dance Teacher/
Demonstrator in scale
Rs. 1400-2600 (Revised)

Rs. 1400-40-1600-50
1650-EB-50-1950-EB
50-2250-EB-50-2300-60
2600.

Rs. 1640-60-2000-EB-
60-2360-EB-60-2600-
75-2750-EB-75-2900
(after 12 years in
basic grade)

Rs. 2000-60-2300-75-
2375-EB-75-2825-EB
75-3200-100-3300-EB-
100-3500 (after 12
years service in the
senior grade and on
attainment of quali-
fications
Prescribed for PGTs)

Atsaw

(Signature)

Assistant Personnel Officer
Hyderabad Division, S. C. Al-

Those who have completed 12 years of service in the
category will be placed in the senior

matter posted to 11/11/97

Before The Central Administrative Tribunal

Hyderabad Bench

At Hyderabad.

O.A.NO. 1459 Of 1997
(SR 3462/97)

Between:

Shaik Mastan and
54 others. ..

Applicants.

And

The Chairman,
Railway Board,
Rail Bhavan,
New Delhi and
8 others. ..

Respondents.

AFFIDAVIT

Filed on 10.11.97.

Filed on behalf of the applicants

S.Radha Krishna Murthy,
Counsel for the Applicants.

Address: M/s Law Firm,
Sri Sai Datta Apartments,
1.1.526,
Golconda Cross Roads,
Hyderabad.500 080

At Hyderabad

O.A.No. 1459 of 1997

Bet: Shaik Mastan and 54 others.	Applicants
And: The Chairman, Railway Railway Board, Rail Bhavan, New Delhi and 8 others.	Respondents

A F F I D A V I T

I, Shaik Mastan, S/o Sri Shaik Imam Saheb, aged 48, Teacher, working in the Railway Mixed High School, Secunderabad, the 1st Applicant in the above O.A., do hereby affirm on oath and state as follows.

The Respondents in the above said O.A. have given effect to the correspondence filed as annexure - 6 of of the Application pending before the Hon'ble Tribunal. Consequently all the applicants have received a less pay for the month of October 1997, ranging from Rs 150/- to 250/-. This illegal reduction would occur every month from November 97 and onwards.

This irregular and illegal reduction in the monthly pay of the applicants is causing monetary loss and leading to financial constraints.

[Handwritten Signature]

Deponent

Solemnly Affirmed and signed before me this the day 9th day of November, 1997.

[Handwritten Signature]
Advocate, Hyderabad.

*Ms com
Heva kaly
10/11/97*

Before The Central Administrative Tribunal
nal

Hyderabad Bench
At Hyderabad

O.A.No. 1459 of 1997
(S.R.No. 3462/97)

Between:

Shaik Mastan and
54 others.

..

Applicants

And:

The Chairman,
Railway Board,
Rail Bhavan,
New Delhi and
8 others.

..

Respondents

AFFIDAVIT



Filed on 10.11.97.

Filed by the Applicants.

Filed through Mr.S.Radha Krishna Murthy,
Counsel for the Applicants

Address:M/s Law Firm,
Sri Sai Datta Apartments,
1.1.526,
Golconda Cross roads,
Hyderabad.500 080.

IN CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No.1459 of 1997

Shaik Mastan and
54 others ... Applicant

A N D

Chairman,
Railway Board,
Rail Bhavan,
New Delhi and
8 others ... Respondents

A F F I D A V I T

I, Shaik Mastan S/o Sri Imam Seheb, aged 48 years,
the First Applicant herein, do hereby solemnly affirm
on oath and state as follows:

2. I have gone through the reply filed by the
respondents herein.

3. The Statement of the Respondents in Para 7 of the
reply that the applicants were served with notices
through the Concerned Headmaster/Principal, is false.
The applicants have not received any such notices.
The Respondents may be called upon to file proof of
such service of Notices.

4. I submit that the 4th pay Commission scales were
implemented in the year (Oct) 1986, giving effect to
from 1-1-1986. Subsequent to the introduction of Pay
Scales of the National Commission for Teachers, in the
year 1988, (with effect from 1-1-1986), the scales were
further revised and promotional Grades were introduced.

*Ms Com
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5. It is further submitted that the statement of the
Respondents that erroneous fixation of pay was done
under F.R.22(c) in the case of the applicants in the
year 1994 is false.

6. The Qualifications of Primary School Teacher and a
Trained Graduate Teacher are different. The qualifications
are again different for the Post Graduate Teacher.

... 2. *[Signature]*

7. I submit that I have herewith filed a narrative Statement demonstrating the concept evolved and spoken out by the Railway Board , in the 1st instance ~~at~~ Para (7) of Annexure-2 of the application (Annexure-1 of the Respondents).

8. I pray that the ~~same~~ said statement may be perused as part of this affidavit.

9. The other part of the contents of Para 7 of the Annexure mentioned supra, applies to the case of the Applicants.



DEPONENT

Solemnly affirmed and signed before me on this the day of November, 1997



ADVOCATE/HYDERABAD

NARRATIVE STATEMENT : PARA (7) OF ANNEXURE 2
OF THE APPLICANT - ANNEXURE 1 OF THE RESPONDENT

Example (of Primary School Teacher)

Basic Grade

Senior Grade

Selection Grade

A) Matric (Trained)

Rs. 1200 - 2040

Rs. 1400-2600

Rs. ~~1540~~-2900

After completion of 12 years of service subject to fulfilling the conditions such as DPC , gets promotion to the Senior Grade. This is available to all as per National Commission on Teachers

Rs. 1400 - 2600

After further period of 12 years of service (in total 24 years) receives Selection Grade

Rs. 1640 - 2900

Selection Grade posts (Non-Functional) are limited to 20% of Senior Grade Posts. And they are available only to those who acquire higher qualification.

B) Different Cadres of Teachers

Primary School Teachers

Trained Grade Teachers

Post Graduate Teachers

Qualifications

Matric/
Intermediate

Graduation with
B. Ed.,

Post Graduation
with B. Ed.,

- C) 1) A. Primary School Teacher with 24 years of service acquires selection Grade of Rs. 1640 - 2900
- 2) Meanwhile if acquires higher qualifications such as Graduation he becomes eligible to be appointed , to the post of TGT
- 3) Accordingly when he is promoted, the TGT Grade would be Rs. 1400 - 2600
- 4) But in the Instant case he is already in the selection Grade Rs. 1640 - 2900
- 5) His selection Grade of Rs. 1640 - 2900 is Higher than the presently promoted of TGT i.e. 1400 - 2600.
- 6) In such cases the said teacher has to be fitted in the Senior Grade of Rs. 1400 - 2600 under Rule 2017(a) (ii) / F. R. 22 (a) (ii) R-II
- D) In all other cases pay shall be fixed under Rs. 2018-B(F.R.22-C) R. II

g. m.

Date: 13-5-1998

Pre-delivery judgment prepared by Hon'ble Shri H. Rajendra Prasad, Member(A) in OA 1459/97 is placed below for consideration of Hon'ble Shri B. S. Jai Parameshwar, Member(J)

~~13/5~~

M

PS to Member(A-II)

J

Hon'ble M(J)

~~Jai
14/5~~

(67)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. 1459/97

Date of decision: 21.5.98

Between:

Shri Shaik Mastan & 54 Ors.

.. Applicants

A N D

1. The Chairman,
Railway Board,
Railway Bhavan,
New Delhi.
2. The General Manager,
Rail Nilayam,
South Central Railway,
Secunderabad.
3. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.
4. The Divisional Railway Manager,
Hyderabad Division,
Secunderabad.
5. The Sr.Divisional Accounts Officer,
Hyderabad Division,
Secunderabad.
6. The Head Master,
Railway Mixed High School,
South Lalaguda,
Secunderabad.
7. The Head Master,
Railway Boys High School,
North Lalaguda,
Secunderabad.
8. The Head Mistress,
Railway Girls High School,
North Lalaguda, Secunderabad.
9. The Principal,
Railway Junior College,
Uppal Road,
Lalaguda,
Secunderabad.

.. Respondents

Counsel for the applicants : Mr. S.R.K. Murthy

Counsel for the respondents: Mr. K. Siva Reddy

Coram:

Hon'ble Shri H. Rajendra Prasad, Member (A)

Hon'ble Shri B.S. Jai Parameshwar, Member(J)

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Certain recommendations were made by the National Commission on Teachers (a.k.a. D.P. Chatopadhyaya Commission)/ IVth Pay Commission with a view to improving the pay-structure and career prospects of Teachers. The Ministry of Railways decided to adopt the recommendations and implement them from 1-1-1986. One of the recommendations related to the introduction and conferment of a new Senior Grade on teachers with 12 years of completed service in the basic grade subject, where necessary, to the acquisition of prescribed levels of additional qualifications and screening by an appropriate Departmental Promotion Committee for satisfactory performance of eligible teachers. The applicants were conferred the Senior Grade on various dates between 1-1-86 to 5-7-94 and continued to draw the pay in the higher scale which was fixed under the provisions of FR 22-C/Rule 2018-B.

2. The Respondents, in the meanwhile, contemplated refixation of the applicants' pay under the provisions of FR 22(a)(ii)/Rule 2017(a)(ii). Accordingly certain steps were initiated to enforce this contemplated move. This resulted in a situation where certain overpayment were held to have been made to the applicants on the basis of the earlier pay-fixation. Some administrative steps were also set afoot to determine the amounts of such overpayments and to recover the same from the pay of the applicants. The applicants in this context draw attention to HQ SC Railway Circular No. 135/97, communicating for necessary action Railway Board's Order No.E(P&A)I-96/JCM/DC-5 dt. 7-7-1997. The applicants, apprehending a

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reduction in their existing pay on account of these moves, filed this OA on 27-10-1997.

3. A prayer is made in this OA for a declaration that the applicants herein are eligible to be placed in the Senior Grade under Rule 2018-B R II (FR 22 C) on their promotion to the Senior Grade, and that the proposed re-fixation of pay under FR 22(a)(ii)/Rule 2017(a)(ii) is illegal and uncalled for since the same has been attempted to be done without any notice being served on them in this regard.

4. The Respondents in their counter-affidavit insist that the applicants were merely placed in the Senior Grade on completion of 12 years of continuous service in their basic grade, and that such placement did not constitute an actual promotion or a conferment of higher pay-scale in a promotional grade. The Senior Grade so allotted to them was essentially in a non-functional scale in that the recipients were not really expected or called upon to shoulder any higher responsibility. It is their contention that FR 22-C can apply only to those cases where a distinct promotion, resulting in assumption of higher responsibilities by the promoted officials, is involved. The conferment of senior grade on the applicants did not, however, involve any 'promotion' from the basic post to any higher post. In situations like the present one, it is not FR 22-C - which envisages a regular promotion and assumption of higher responsibilities as pre-requisite - which would be applicable but FR 22(1)(a)(ii)/Rule 2017 (a)(ii) which comes into play. It is stated that

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their pay was earlier fixed under FR 22-C on an incorrect application of rules. They also add that in fact even the initial re-fixation of pay of some of the applicants was done correctly under FR 22(1)(a)(ii) and therefore it is not as if the pay is being fixed afresh in respect of all the applicants. ^{The} Respondents contend that the applicants may not be allowed the undue benefits of an erroneous initial fixation of pay which was based on an incorrect application of rules, and further that the impugned re-fixation was done after duly serving a notice through proper channel i.e., concerned Headmaster/

Principal. The contention of the applicants that the re-fixation has been done without notice is therefore incorrect.

5. The facts are examined. A doubt was raised by some of the Railways as to how exactly the fixation of pay on appointment to Senior Grade from basic grade was to be regulated. The question which arose and needed clarification was: Whether on appointment to the senior grade, the instructions regarding fixation of pay on appointment to selection grade will be applicable, or the provisions of FR 22 (a)(ii) which provide for a manner of fixation of pay to the posts which do not involve assumption of duties or responsibilities of greater importance, will be applicable? The clarification given by the Board was :

"This has already been clarified vide para-7 of this Ministry's letter of even number dated 11-4-1988."

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The contents of para 7 of Ministry's letter dt. 11-4-1988 were as under :

"(7) There are situations in the new grade structure where the selection grade (non-functional) allotted to a particular category of teachers, happens to be higher than the basic promotional grade to be allotted on promotion. For example, a trained graduate teacher holding the selection grade (non-functional) of Rs.2000-3500 will ordinarily be promoted to the post-graduate teacher/headmaster whose basic grade is Rs.1640-2900. In such cases, since the selection grade happens to be higher than the basic grade of the promotional post, the pay of such teachers will be fixed in the corresponding senior grade of the promotional post, which is identical to the selection grade of the post from which promoted. However, since the pay scales are identical, the pay in such cases will be fixed only under Rule 2017(a)(ii) FR-22(a)(ii) RII and not under Rule 2018-B (FR-22-C)- RII. In all other cases where appointment takes place from a lower grade to a higher grade, which is superior to the lower grade pay will be fixed under Rule 2018-B (F-22-C) R.II. "

On 8-1-97 the Board vide their letter No. E(P&A)I-96/PS-5/PE-8(RBE No.9/97) issued the following amendment in the place of clarification referred to above :

"On appointment to non-functional senior grade/selection grade pay of the teachers shall be fixed in accordance with the provisions of Rule 2017(a)(ii) (FR 22(1) (a)(ii) - R.II"

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This made for a qualitative change with regard to the fundamental question of fixation of pay, and clearly meant that senior grade could be given to eligible officers on completion of 12 years in basic grade only under FR 22(1)(a)(ii), and also that the earlier fixation under FR 22-C, wherever done, was incorrect. Rule 2017(a)(ii)/FR 22(a)(ii) RII envisages that where an employee is appointed to a post which does not involve assumption of duties and responsibilities of greater importance than those attached to the post already held by him, then he will draw as his initial pay the stage of the time scale which is equal to his substantive pay in respect of the old post, or if there is no such stage, the stage next below that pay, plus personal pay equal to the difference and, in either case, will continue to draw that pay until such time as he would have received an increment in the time scale of the old post or for the period after which an increment is earned in the time scale of the new post, whichever is less.

Thus the basic criterion in the present OA gets focussed as to whether the applicants assumed any higher responsibilities on conferment of senior grade to enable their case to be covered by FR 22-C. It is not the applicants' case that they have assumed any higher responsibility on getting the Senior Grade. What was conferred was a higher grade without any change in the importance and responsibilities, or pattern of duties which they had been hitherto performing. Such being the case, the rationale of application of FR 22(1)(a)(ii)/Rule 2017(a)(ii) would not seem to be incorrect at all; and the applicability

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of FR 22-C cannot be insisted on or even held to be permissible. Admittedly, the pay was revised initially in respect of many of the applicants under the provision of Rule (FR 22 C) which was clearly inapplicable to the facts of such fixation. It was argued by the Respondents that they ought to be left free to rectify an administrative error resulting from an inadvertent application of an inapplicable Rule. It is not brought out that the applicants assumed higher responsibilities on their placement in senior grade. There is no reason why an administrative error should go unrectified when there is ample justification in rules for such rectification. It has, therefore, to be held that the re-fixation of pay under FR 22(1)(a)(ii) is correct. It is also noted from the submissions of the Respondents that the applicants were duly served with an advance notice regarding the proposed impugned re-fixation through the immediate superiors of the applicants. We do not find any reason to disbelieve this statement. The principles of natural justice can therefore be held to have been not violated in any way.

6. Having held thus; the question of recovery of overpayments still remains to be addressed. Now, it is a settled position of service law that no employee should be made to suffer the adverse consequences of any administrative error unwittingly committed, such as an incorrect fixation of pay, in respect of

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benefits which may have already accrued to him due to such action. It will be hardly necessary to cite detailed case-law in this regard. The following judgments are, however, indicative of the actual position in respect of such recoveries.

- (a) In NARINDER MARWAH (SMT) vs. UNION OF INDIA (1994) 26 ATC 179, the Principal Bench of this Tribunal held that recovery from the pay or its reduction, on the ground that the earlier fixation was erroneous, ^{was} bad, in law and violated the principles of natural justice as well as the concept of Legitimate Expectation.
- (b) In SWAPAN KUMAR SAHA & OTHERS Vs. UNION OF INDIA (1993 23 ATC 902) it was held that the recovery after a considerable lapse of time of any over payments, which had resulted due to erroneous fitment in a higher grade, was arbitrary and violative of principles of natural justice.
- In support of this finding the Hon'ble Members relied on the judgments reported in :
- V.D.CHITALKA V. UNION OF INDIA:(1987)2 SLJ (CAT) 305 Delhi
C.S.BEDI V. U.O.I.: ATR(1988)2 CAT 510 (ND)
PUSHPA BHIDE V. U.O.I. :(1989)10 ATC 90 (Jabalpur)
T.R.Sundararaja Iyengar v. P.M.G. Karnataka Circle (1989) 9 ATC 43 (Bangalore) & (1989) 1 SLJ (CAT) 238
- (c) In SAHIB RAM V. STATE OF HARYANA & OTHERS (1995) SCC (L&S) 248 it was held that when upgraded pay scales were given due to wrong construction of relevant order by the Authority concerned and without any misrepresentation by the employee himself, in such circumstances the Authorities would be restrained from recovering any excesspayments already made.

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- (d) In Mahaveer Singh Vs. U.O.I. & Ors. (1996) 33 ATC 683 it was held that in cases where over payments were made due to a conscious decision of the Competent Authority which was later considered to be wrong, any subsequent recovery of amount over-paid was not permissible, and the recovery order was therefore invalid.
- (e) In NATHI LAL vs. Union of India & Anr. (O.A.286/1996) of Jaipur Bench of this Tribunal it was held that where the retiree was not found at fault or seen not to have made any actuation or misrepresentation for undue benefits while he was in service, the payments made by the order of the Competent Authority for several years, even if wrongly paid in excess, cannot be recovered.
- (f) In ARJUN SINGH V. U.O.I. & ORS (O.A. NO. 130/95) the Jodhpur Bench of this Tribunal held that the recoveries from the retiral benefits of over payments made during the preceding 13 years, solely due to an administrative error, would not be in conformity with the rules and instructions.


7. In the light of the facts revealed, it is therefore held that while the rectification of the original error and consequent re-fixation, where necessary, of the applicants' pay is held and declared to be correct and permissible, the recovery of any overpayment which may have been made as a consequence thereof, is not accepted. In the result it is directed that :

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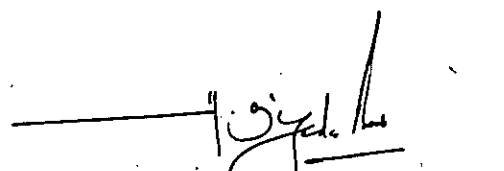
(i) refixation of the pay of the applicants, where called for, can be done under FR 22(a)(ii) RII, and the future pay can be regulated accordingly. No recoveries of any over-payments made to the applicants on the earlier refixation under FR 22-C shall be enforced;

(ii) The refixation under FR 22(a)(ii) RII shall be given effect to from a date which falls a month after the date on which a notice was served on the applicants, through their Headmaster/ Principal, etc. communicating the respondents' intention to refix their (applicants') pay in the manner indicated therein, and not from any earlier date.

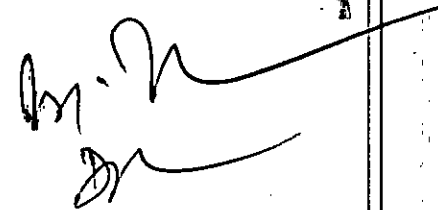
8. Thus the OA is allowed in part and disposed of.


 (B.S. JAIPARAMESHWAR)
 Member (J)

MD 21.5.98


 (H. RAJENDRA PRASAD)
 Member (A)

21 MAY 98



O.A. 1459/97

To

1. The Chairman, Railway Board,
Railway Bhavan, New Delhi.
2. The General Manager, Railnilayam,
SC Rly, Secunderabad.
3. The Chief Personnel Officer,
SC Rly, Railnilayam, Secunderabad.
4. The Divisional Railway Manager, Hyderabad Division,
Secunderabad.
5. The Sr.Divisional Accounts Officer,
Hyderabad Division, Secunderabad.
6. The Head Master, Railway Mixed High School,
South Lalaguda, Secunderabad.
7. The Head Master, Railway Boys High school
North Lalaguda, Secunderabad.
8. The Head Mistress,
Railway Girls High School,
North Lalaguda, Secunderabad.
9. The Principal, Railway Junior College,
Uppal Road, Lalaguda, Secunderabad.
10. One copy to Mr.S.R.K.Murthy, Advocate, CAT.Hyd.
11. One copy to Mr.K.Siva Reddy SC for Rlys, CAT.Hyd.
12. One copy to HBSJP.M(J) CAT Hyd.
13. One copy to DR(A) CAT.Hyd.
14. One spare copy.

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21/5/98

I COURT

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COMPARED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)
The Hon'ble Mr. B. S. Jai Parameswar: M(LD)
DATED: 21-5-1998.

~~ORDER/JUDGMENT~~

M.A./R.A./C.A.No.

in

O.A.No. 1459/97

T.A.No. (w.p.)

Admitted and Interim directions
issued.

Allowed in part

- Disposed of with directions
- Dismissed.
- Dismissed as withdrawn.
- Dismissed for Default.
- Ordered/Rejected.
- No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH
27 MAY 1998
Despatch
विभाग/PAPAL SECTION