

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1529/97

dt.27-8-98

Between

Syed Nazeer Ahamed

: Applicant

and

1. Sr. Divnl. Personnel Officer
SC Rly, Vijayawada Divn.
Vijayawada, Krishna Dist.

2. Divnl. Rly. Manager
SC Rly, Vijayawada Divn.
Vijayawada, Krishna Dist.

3. General Manager
SC Rly, Rail Nilayam
Secunderabad

: Respondents

Counsel for the applicant

: B. Narasimha Sarma
Advocate

Counsel for the respondents

: K. Siva Reddy
AC for Rlys.

Coram

Hon. Mr. Justice D.H. Nasir, VC

Hon. Mr. H. Rajendra Prasad, M(A)

OA.1529/97

dt.27-8-98

Order

Oral order (per Hon. Mr. Justice D.H. Nasir, VC)

Heard Mr. M.C. Jacob for Mr. B. Narasimha Sarma for the applicant and Mr. K. Siva Reddy for the respondents.

1. The applicant has prayed for fixing his pay Rs1440/- in the scale of pay of Rs.1200-2040 (RSRP) with effect from 24-11-1990 with increment to the said amount every year as per rule 1313 of IREC Vol.II consequent to request transfer from Hubli division of SC Railway to Vijayawada division instead of at Rs.1320 plus 120 PP with arrears from 16-7-95 as ordered in OA.995/96 dated 16-8-96; declare the impugned proceedings No.B/P.524/VI/SM-ASM/vol.3 dt.15-11-96 fixing his pay as Rs.1320 plus 120 PP with effect from 24-11-90 as illegal arbitrary and contrary to rules; further declare the action of the respondents in applying the provisions of Serial Circular No.95/96 in the case of fixation of his pay as arbitrary and illegal; and to award costs.

2. The learned counsel drew our attention to the order passed in OA.70/97 by the Bench comprising Hon. Sri R. Rangarajan, M(A) and Hon. Sri B.S. Jai Parameshwar, M(J) dated 2-3-98 in which it is observed that the respondents submitted that they were awaiting for a clarification to the Railway Board's letter dated 2-12-96 and the same was received. Wherein the following direction is issued :

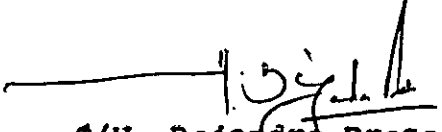
"The pay of the applicant as ASM in Vijayawada division in the scale of pay of Rs.1200-2040 should be fixed at the stage as he was drawing in Secunderabad division in the scale of pay of Rs.1400-2300 provided such a stage is available in the scale of pay of Rs.1200-2040 and that pay does not exceed


the maximum of the pay of Rs.1200-2040. The other conditions laid down by the Railway Board in that letter dated 2-12-1996 should be scrutinised to see whether the applicant fulfils all the conditions as laid down to fix his pay at Rs.1460/- when he was transferred to Vijayawada Division. The applicant is entitled for arrears if any from 1-4-1995 in accordance with the direction given in OA.809/96 dated 5-7-96."

3. The learned counsel for the applicant submits that the above order passed in OA.70/97 by the Tribunal has already been implemented and that they have no objection if the present application is disposed of with the similar order. Hence, the present petition is disposed of with a direction to comply with the orders passed in OA.70/97 in respect of the present application as well.

4. The order should be complied with within three months from the date of receipt of copy of this order.

5. The arrears shall be paid with effect from 16-7-95.


H. Rajendra Prasad
Member (Admn.)


(D.H. Nasir)
Vice Chairman

Dated : August 27, 98
Dictated in Open Court

sk


Deputy Registrar

OA 1528 & 1529/98

To

1. The Sr.Divisional Personnel Officer,
SC Rly, Vijayawada Division,
Vijayawada, Krishna Dist.
2. The Divisional Railway Manager, SC Rly
Vijayawada Division, Vijayawada, Krishna Dist.
3. The General Manager, ~~SC~~
SC Rly, Railnilayam, Secunderabad.
4. One copy to Mr. B.Narasimha Sarma, Advocate, CAT.Hyderabad.
5. One copy to Mr.K.Siva Reddy, SC for Rlys, CAT.Hyd.
6. One copy to DR(A) CAT.Hyd.
7. One spare copy.

pvm

23/9/98

I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE D H NASIR

VICE-CHAIRMAN
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 27-8-1998.

ORDER/JUDGMENT

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

in

O.A.No.

1529/97

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

