

Date of Decision: 13.2.95.

OA 605/94

Chandra Deo Gupta, Smt. Vimla Sharma, Smt. Radhamani Shukla
and Smt. Puspallata Vyas

.... APPLICANTS.

v/s.

Union of India & Ors.

.... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicants

... SHRI S.KUMAR.

For the Respondents

... ---

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicants Shri Chandra Deo Gupta, Smt. Vimla Sharma, Smt. Radhamani Shukla and Smt. Puspallata Vyas have filed this application u/s 19 of the Administrative Tribunals Act, 1985, seeking a declaration that the impugned order Annexure A-1 in so far as it relates to the fixation of the pay of the applicants in the Senior Grade w.e.f. 1.1.86 be declared illegal and the same be quashed. The applicants have further claimed a direction to the respondents to fix the pay of the applicants in the Senior Grade (Rs.1400-2600) under Rule 2108-B (FR 22-C) R-II and allow all consequential benefits.


2. We have heard the learned counsel for the applicants

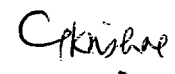
3. The case of the applicants is that all the applicants are serving as Teachers in the various Railway Schools mentioned against their names. The Railway Board vide their letter dated 11.1.88 issued orders for revision of pay scales in respect of Teachers. The following grades for Primary School Teachers were fixed as follows :-

- | | |
|-----------------------------------|---|
| 1. Basic grade | - Rs.1200-2040 |
| 2. Sr. Grade | - Rs.1400-2600 (after 12 years in basic grade) |
| 3. Selection Grade Non-functional | Rs.1640-2900 (after 12 years of service in Sr. Grade & PGT Qualification) |

These scales were given effect to from 1.1.86. These applicants were allowed the Senior Grade in the scale of Rs.1400-2600 on completion of 12 years in the basic grade, ~~and~~ after they were adjudged suitable vide order dated 7.12.88 (Annexure A-4). The fixation of the pay was made in accordance with para-7 of the letter dated 11.4.88 issued by respondent No.4 and it was done under Rule 2019-B (FR 22-C) E-II, vide Annexure A-5. Thereafter, the applicants were served with show-cause notices vide letter dated 27.9.94 for re-fixation of their pay as well as for recovery of the excess amount paid to them due to wrong fixation of pay. The applicants thereupon submitted their representations and a copy of one of the said representations dated 30.9.94 is marked as Annexure A-6. A detailed representation against the same is dated 25.10.94 and it is marked as Annexure A-7. These representations have not so far evoked any response and they are pending decision.

4. In these circumstances, we dispose of the present application at the admission stage with a direction to the respondents to examine these representations made vide Annexures A-6 and A-7 and take a decision thereon on merits meeting all the points raised in these representations after affording an opportunity of hearing to the applicants within a period of two months from the date of receipt of a copy of this order. Let a copy of the OA be also sent to the respondents with a copy of this order.


(O.P. SHARMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)