

S.S. Hasan

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 26/4/2001

1. OA 665/94

Smt.M.M.Wales, Chief Clerk, Budged Section, under CWM (Loco Workshop), Western Railway, Ajmer.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.

2. Sr.Personnel Officer (Loco Workshop), Western Railway, Ajmer.

... Respondents

2. OA 666/94

R.K.D.Baijal, Murli D.Manchandia and B.N.Purohit, all working as Chief Clerk under CWM (Loco Workshops), Western Railway, Ajmer.

... Applicants

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.

2. Sr.Personnel Officer (Loco Workshops), Western Railway, Ajmer.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicants ... Mr.P.V.Calla

For Respondents ... Mr.R.G.Gupta and Mr.S.S.Hasan

O R D E R

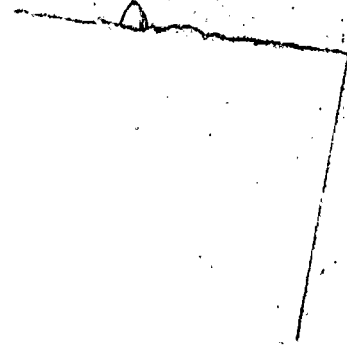
PER HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

the OAs and the relief sought by them. Therefore, these OAs are being decided by this common order.

2. The applicants have made a prayer for that their pay as Head Clerk should be protected with respect to their juniors from the date the juniors were promoted as Head Clerk.

3. From the facts of these cases we find that the controversy involved is no more res integra and the principle has been decided by Hon'ble the Supreme Court in the case of Union of India v. P.Jagdish & Ors., 1997 SCC (L&S) 701. Similar issue came up before this Tribunal in OA 197/94, which was decided on 15.2.2001 by following the law laid down in P.Jagdish's case.

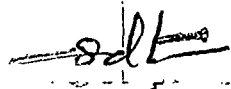
4. In brief, the matter relates to the claim of staff in the clerical cadre who were promoted as Head Clerks without having the opportunity of holding such of the posts of Senior Clerks to which special pay of Rs.35/- p.m. (later revised to Rs.70/-) was attached. While their juniors were promoted as Head Clerks after holding such of the posts of Senior Clerks to which the special pay was attached. In P.Jagdish's case it was held by Hon'ble the Supreme Court that the respondents (the Head Clerks claiming the stepping up of pay) were entitled to stepping up of their pay to a figure equal to the figure of their juniors from the date such juniors were promoted as Head Clerk and got their pay




fixed at a slab higher than the respondents.

5. In the light of this principle established, we are of the view that the applicants in these two OAs should be allowed stepping up of their pay as Head Clerks at par with their juniors from the dates the juniors were promoted as Head Clerks.

6. Consequently, we allow these OAs and direct the respondents to step up the pay of the applicants on the post of Head Clerk with effect from the dates from which their respective juniors were promoted as Head Clerks and started drawing pay higher than the applicants. The applicants shall be entitled to all consequential benefits resulting out of this stepping up. This exercise shall be completed by the respondents within three months from the date of this order. No costs.


(A.P.NAGRATH)

MEMBER (A)


(S.K.AGARWAL)

MEMBER (J)