IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,JAIPUR.

* * *

Date of Decision: 23.2.2001

1. OA 52/97

Rewat Singh, Station Superintendent, Kanakpura Railway Station, Western Railway, Jaipur Division, Jaipur.

2. OA 53/97

Sundeep Biwal, Station Superintendent (P), Jaipur.

3. OA 60/97

Dharmendra Kumar Gupta, Station Superintendent, Kishangarh, Jaipur Division, Jaipur.

4. OA 61/97

Subhash Chand Sharma, Station Superintendent, Chomu Samod Railway Station, Jaipur Division, Jaipur.

5. OA 125/97

1. Om Prakash Meena, Station Superintendent, Jhunjhunu.
2. Gopal Panwar, Station Superintendent, Chaksu.
3. Salim, Station Superintendent, Goriyan, Jaipur Division.

... Applicants

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Rly Manager, Western Railway, Jaipur.

... Respondents

CORAM:

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

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicants ... Mr.Vinod Goyal, proxy counsel for Mr.Virendra Lodha

For the Respondents ... Mr.Anupam Agarwal, proxy counsel for Mr.Manish Bhandari

O R D E R

PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

The controversy involved and the relief sought in all these applications is the same and, therefore, all these applications are being disposed of by this common order.

2. The Railway Board had, vide its circular dated 15.5.87, brought in some changes in the recruitment of Traffic/Commercial Apprentices and one of the changes being that on and from 15.5.87 the recruitment to these Apprentices would be made in the pay scale of Rs.1600-2660 (this scale earlier was Rs.1400-2300) and secondly, the period of training was reduced from three years to two years. Thus, the entrants to the grade through the examination after 15.5.87 were allowed the pay scale of Rs.1600-2660, whereas the entrants to the grade through the examination notified prior to 15.5.87 were only granted the pay scale of Rs.1400-2300. This was challenged by the applicants as discriminatory and this Tribunal had allowed the scale of Rs.1600-2600 to all the pre-1987 entrants to the grade. Now, the respondent department, vide impugned letter dated 27.1.97, has reverted all the applicants to lower scale of pay in compliance with the judgement of Hon'ble the Supreme Court. This reversion order has been challenged by the applicants in the present OAs.

3. This controversy had come up before Hon'ble the Supreme Court in Union of India and Others v. M.Bhaskar and Others, 1996 SCC (L&S) 967, and after detailed deliberation Hon'ble the Apex Court held as under :-

> "Since the recruitment of apprentices under the impugned memorandum was to man the posts, not of Assistnat Statioin Masters, Assistant Yard Masters etc. as before, but of Statioin Masters and Yard Masters and the standard of examination for the apprentices to be recruited after 15.5.1987 was required to be higher than that which was prevailing giving them higher pay scales or reducing the period of their training, could not be said to be discriminatory, arbitrary or unreasonable.
>
> Though the respondents were called for training from 1989, that is not enough to distinguish their case from other respondents inasmuch as they had come to be recruited pursuant to an advertisement of January 1985; and so, they have to be treated as pre-1987

apprentices. The mention in para 2(xii) of the memorandum that the revised pay scale of Rs.1400-2300 was meant for "apprentices already under training", cannot be taken in isolation; that has to be understood along with other provisions contained in the memorandum. Therefore, the respondents cannot be treated differently from other pre-1987 apprentices merely because they were called for training in 1989."

4. Thus, the recruits prior to the date of 15.5.87 were entitled to the pay scale of Rs.1400-2300, whereas the recruits after 15.5.87 were entitled to the grade of Rs.1600-2660. Since some of the Benches of the Central Administrative Tribunal had allowed the pay scale of Rs.1600-2660 to the entrants prior to 15.5.87 also, Hon'ble the Supreme Court observed that the recovery of the amount already paid because of aforesaid judgements of Tribunals would cause hardship to the respondents/appellants concerned and, therefore, Hon'ble the Apex Court directed the Union of India and its officers not to recover the amount already paid. On the plea that some employees, who were given the benefit pursuant to the judgement of CAT, have got further promotion and that they may loose the benefit of such promotion if directions of the Supreme Court are allowed to stand, was held untenable by Hon'ble the Apex Court in 2001 (1) SC 169, ESP Rajaram & Ors. v. Union of India & Ors.. Thus, pre-1987 entrants would only be entitled to the scale of Rs.1400-2300 on their appointment to the grade, whereas post-1987 entrants would be entitled to the scale of Rs.1600-2660. The pre-1987 entrants, who had been allowed the scale of Rs.1600-2660 under the orders of some Benches of the Central Administrative Tribunal, were required to be reverted under the orders of Hon'ble the supreme Court (cited supra). Recoveries of over payment on account of grant of scale of Rs.1600-2660 were, however, ordered to be waived by Hon'ble the Apex Court.

5. In the instant case, undoubtedly the applicants are pre-1987 entrants inasmuch as they were selected through examinations notified in 1985 and 1986 i.e. prior to

15.5.87 and they would rightly be entitled to the scale of Rs.1400-2300 in terms of the judgement of Hon'ble Supreme Court (supra). Thus, we do not find merit in these applications and all the applications deserve to be dismissed.

6. Accordingly, all the OAs stand dismissed with no order as to costs.

(GOPAL SINGH)
MEMBER (A)

(S.K.AGARWAL)
MEMBER (J)