

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 283 of 2002

Jabalpur, this the 15th day of Sept. 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

R.C. Satija, aged about 67 years,
Retired Dy.Stn. Supdt. C.Railway,
Itarsi, R/o 5590 RBII 3 Bangla,
P.O. Itarsi Dhatt, Hoshangabad,
Madhya Pradesh.

APPLICANT

(BY Advocate - Sh. M.R. Chandra) VERSUS

1. The Union of India through
The G.M. C. Rly, Mumbai.
2. Chief Personnel Officer,
C. Railway, Mumbai -.
3. Divisional Railway, Manager,
Central Railway, Bhopal.

RESPONDENTS.

(By Advocate - Shri S.P. Sinha)

ORDER

By Madan Mohan, Judicial Member -

By filing this OA, the applicant has sought the following main relief:-

"(i) That the respondents be directed to put the applicant to the higher grade of Rs.2375/3500 RPS with effect from 1.3.93 with all consequential service and retiral benefits and to pay the arrears of pension, gratuity, etc with 12 percent interest for delayed period".

2. The brief facts of the case are as follows:
The applicant entered the service of Central Railway as an Assistant Station Master on 21.7.1957. Railway Board vide letter dated 27.1.93 issued order for restructuring of various cadre including the cadre of Dy.Stn.Supdt. to which the applicant belongs with revised percentage thereby increasing the number of posts in the grade of Rs.2375/3500 (RPS). The date of effect of this restructuring to the date of actual implementation of the order will be 1.3.93 (Annexure A1). Photocopy of letter dated 27.1.93 (A-1) is annexed

In implementation of the Railway Board's letter and the Headquarters letter i.e. (Annexure A1 & A/B) it is quite apparent that the applicant has full entitlement to receive the higher scale of Rs.2375/3500 (RPS) with arrears for the period intervening from 1.3.93 to 31.7.93 i.e. the date of his superannuation. But the respondents ignored the applicant from consideration and did not give effect to the benefit of Railway Board's and Headquarters' letters and deprived the benefits. The applicant made several personal approaches to the Bhopal Divisional authorities for granting the applicant higher pay scale of Rs.2375/3500 as has been granted to his juniors as per decision of CAT, Jabalpur since the said decision is a policy one and a decision in rem.

3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that according to the seniority list as shown in Annexure A3 p.17, the name of the applicant is at Sl.No.31 while the benefit of granting higher pay scale to his juniors is shown below the applicant's name. Still they are granted the benefits from 1st March 93 which is against law. According to the Railway Board's and Headquarters' letter, the respondents ignored the applicant. The applicant retired from service on superannuation on 31.7.93 while he was entitled for the reliefs claimed from 1 st March 1993. The action of the respondents is not in accordance with rules and law.

4. In reply, learned counsel for the respondents argued that no person junior to the applicant has been promoted from 1st March 1993. His juniors were promoted from 14.2.94. Since on the date of order dated 14.2.94 the applicant was not in service, he could not be promoted from 14.2.94, as the applicant's case falls under the vacancies other than restructuring of cadre and have prospective effect as per Railway Board's letter dated 18.3.93. None of the similarly situated retired employees

can be given the benefit of promotion in view of Railway Board's instructions. Hence the action taken by the respondents is perfectly justified.

5. After hearing learned counsel for both parties, and careful perusal of the records, we find that the contention of the applicant is that his juniors are promoted w.e.f. 1st March 1993 which is apparently incorrect. According to para 5 of the reply of the respondents, no person junior to the applicant has been promoted from 1.3.93 and the juniors were promoted from 14.2.94 while the applicant had already retired from service on his superannuation on 31.7.93 and hence he could not be promoted from 14.2.94. The Railway Board's letter dated 18.3.93 was having prospective effect. Hence the action of the respondents is not in any way in contravention of the rules or any direction or law. The OA deserves to be dismissed. Hence the OA is dismissed.

(Madan Mohan)
Judicial Member

aa.

(M.P. Singh)
Vice Chairman

पृष्ठांकन सं. ओ/व्या.....जबलपुर, दि.....

प्रतिलिपि अवृत्ति दिनांक:

- (1) अधिक, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) आरोपित श्री/महिला/कु. के काउंसल
- (3) प्रमाणी/महिला/कु. के काउंसल
- (4) अधिक, न्यायालय, जबलपुर न्यायालय
सूचना एवं आवश्यक कार्यवाही हेतु

Shri C.R. Chandra H.C. 177

Shri S.P. Singh H.C. 151

उपर रजिस्टर

Issued
On 20/03/04
By