

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 441 of 2000

Jabalpur, this the 19th day of September, 2003.

Hon'ble Mr. Anand Kumar Bhatt, Administrative Member
Hon'ble Mr. G. Shanthappa, Judicial Member

Allu Taviti Naidu, aged about 45 years,
S/o Shri A. Lakshumu Naidu, Ex-Assistant
Electric Driver (Now Junior-Clerk) South
Eastern Railway, resident of New Loco-
Colony, Bilaspur (M.P.)

APPLICANT

(By Advocate - Shri L.S. Rajput)

VERSUS

UNION OF INDIA, Through

1. The General Manager,
South Eastern Railway,
Garden - Reach - CALCUTTA - 43
2. The Divisional Railway Manager,
South Eastern Railway,
Bilaspur (M.P.)

RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

O R D E R

By G. Shanthappa, Judicial Member -

The applicant has filed this Original Application
seeking the following relief -

- "(a) Direct the respondents to offer a suitable post such as Commercial Clerk, Weigh Bridge Clerks or in Commercial/Ticket Checking Cadre in Grade Rs.4000-6000(RSRP) as per Annexure-A-2 read with Annexure-A-6.
- (b) Direct the respondents to create a special supernumerary post in the grade in which the applicant was working on regular basis & make payment of arrears of pay from the date of medical decategorisation till proper absorption."

2. The brief facts of the case are that the applicant entered into the services of the Railways on 14.3.1981 and was appointed as 1st Fireman/Assistant Electric Driver Grade Rs.950-1500(RPS)/Grade Rs.3050-4590 (RSRP) on 31.8.1993 in Bilaspur Division. He was directed to appear before the Chief Medical Superintendent on 2/4.5.1999. After medical test, he was medically

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decategorised from the post of Driver and was found fit for any other job vide certificate dated 23.6.1999 (Annexure-A-3). The applicant was called for screening on 16.8.1999 for providing alternative suitable post and was adjudged suitable for the post of Junior Clerk as per order dated 16.8.1999 (Annexure-A-1) which has been challenged in this OA.

3. The learned counsel for the applicant has contended that the Railway Board vide their letter dated 1.10.1999 (Annexure-A-6) have issued the instructions for comparison of grades of running staff with those of stationary staff, and vide letter dated 27.5.1999 (Annexure-A-2) have issued the guidelines for absorption of disabled/medically decategorised staff in alternative employment. The learned counsel contended that in terms of the aforesaid instructions the applicant should have been absorbed in the grade of Rs.4000-6000 (RSRP) instead of in the grade of Rs.3050-4590.

4. The learned counnsel for the respondents contended that the applicant was working as Assistant Electric Driver in the scale of Rs.3050-4590 and he was absorbed, after medical decategorisation, in the post of Junior Clerk in the same scale of Rs.3050-4590 which the applicant was getting before his medical decategorisation. His pay in the scale of Rs.3050-4590 has been fixed by adding 30% running allowance which comes out to be Rs.5038/- which exceeds maximum of the scale Rs.4500, hence Rs.448/- is being paid to him as personal pay.

5. We have heard the learned counsel for the parties and carefully perused the records and pleadings.

6. During the pendency of this OA the respondents have filed MA No.1109/03 with a copy of the Order No.PB/13/2003 dated 11.3.2003 issued by the Sr.DPO, Bilaspur in which they have mentioned that the pay of the applicant has been fixed in the scale of Rs.4000-6000 against the

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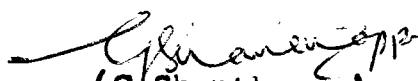
post of Senior Clerk. Therefore, the relief sought for by the applicant to offer him a suitable post in the grade of Rs. 4000-6000/- has now been granted by the respondents themselves. Now, the only question remains for consideration is for payment of arrears of pay from the date of medical decategorisation till proper absorption.

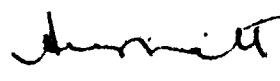
7. The learned counsel for the applicant has relied on a decision of this Tribunal in the case of J. Srinivasa Rao Vs. Union of India & another, O.A.No. 440 of 2000 decided on 6.8.2003 in which it has been held that the applicant cannot be deprived of the benefits of the scheme.

8. The respondents in their letter dated 11.3.2003 (Annexure to MA 1109/2003) have specifically stated that "the fixation of pay of the above named staff shall be made in accordance with the instructions contained in Estt. Srl. No. 122/99 (Annexure-A-2), 118/02 & 153/02".

9. After careful consideration of the pleadings, documents on record and arguments submitted by the learned counsel for both the sides we find that as the respondents themselves have granted the relief prayed for regarding grant of the pay scale of Rs. 4000-6000 to the applicant vide their order dated 11.3.2003, they are directed to grant the consequential benefits to the applicant of the said pay scale from the date of his medical decategorisation, including arrears of pay, within a period of three months of communication of this order.

10. In the result, the O.A. is allowed with the above directions. No costs.


(G. Shanthappa)
Judicial Member


(Anand Kumar Bhatt)
Administrative Member