

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA 2796/2011

Reserved on: 17.10.2016
Pronounced on: 19.10.2016

Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Shri J.P. Ahluwalia
Ex. Accounts Assistant
Accounts Department,
Northern Railway,
State Entry Road, New Delhi
R/o 26/3, Railway Colony
Kishanganj, Delhi

... Applicant

(Appeared in person)

Versus

Union of India, through :

1. The General Manager,
Northern Railway,
Headquarters Office,
Baroda House, New Delhi
2. Divisional Railway Manager,
Northern Railway,
DRM Office, State Entry Road,
New Delhi
3. Divisional Finance Manager
Northern Railway,
Accounts Office, DRM Office,
State Entry Road,
New Delhi

... Respondents

(None appeared)

ORDER

Mr. P.K. Basu, Member (A)

The applicant in person was present and argued the matter. However, none appeared on behalf of respondents.

2. Since this is an old matter and the applicant is about 78 years old, we are disposing it of on the basis of arguments put forth by the applicant and the reply of the respondents as also pleadings of the applicant in OA as well as rejoinder.

3. The dispute is regarding pay fixation. The genesis is R.B.E. No.9/96 whereby railways took a decision in the light of order of this Tribunal, upheld by the Hon'ble Supreme Court on regulation of pay of staff of Accounts Department and the following provision applies specifically to the applicant:

"6. In the light of this verdict, which has also been upheld by the Supreme Court, Board have now decided that the Railways should regulate the pay of all staff of Accounts Department who had qualified in the Appendix II A examination up to 31.5.81, in the following manner:

- (i) In the case of those who qualified in the Appendix II A examination before 1.1.73 but were promoted after 1.1.73, their pay is to be fixed in the Revised Scale (Rs.260-400) effective from 1.1.1973 including the three advance increments allowed in the Authorised Scale (Rs.110-180) and on promotion as CG-I in the scale Rs.330-560, the three advance increments in the scale Rs.260-400 are to be withdrawn and four advance increments are to be allowed after normal fixation in the scale Rs.330-560."

5. The matter came up before this Tribunal in OA 503/2010 and vide order dated 22.12.2010, the Tribunal disposed of the said OA with direction to the respondents to work out the pay and allowances in due and drawn statement, indicating whether the applicant would be entitled to any payment in the due and drawn statement.

6. The applicant has filed along with his rejoinder at annexure RR-2, copy of reply to an RTI application, enclosing a statement showing the existing and revised pay of the applicant for the whole service period as worked out by the respondents. The relevant entries and the revised pay shown are as follows:

"Sh. J.P. Ahluwalia, Ex.AA	DOB-12.12.193	DOA <u>19.11.57</u>
		18.12.63
App II A qualified 9/64	DOR 31.8.94	

Existing	Revised
	1.10.64 – 147 + 12 (3 Adv. Increments) -----

	159
	20.2.64 - 180/- 20.2.70 - 180/- 20.2.71 - 180+5 stag. Incr
	1.1.73 - 366 - Due to stagnation 2.1.73 - 374 - Rly. Board Letter No.PC III/260-400
	19.2.76 - 400 (-) 26 (3 Adv. increments deducted) 374 N/I + 8 382 19.2.76 - 392 + 48 (4 increments added) 440

7. From the above, it would be clear that the respondents have added three advance increments on applicant’s passing Appendix II A examination, which benefit has been given on fixation in the pay scale of Rs.260-400 with effect from 1.01.1973. Thereafter, when he was promoted as CG-I in the scale of Rs.330-560, these three increments were withdrawn and four additional increments allowed after normal fixation in the scale of Rs.330-560. Only apparent error is the deduction of Rs.26/- on 19.02.1976 whereas it should be Rs.24/- (3 increments i.e. 3x8). This needs to be checked by the respondents.

8. The applicant has also filed a chart according to which he has added three advance increments even after giving fixation benefit from 1.01.1973. This is obviously as a result of misunderstanding of the contents of the circular No.9/96 dated 23.01.1996.

9. The respondents in their reply have stated that in compliance of the Tribunal's directions in OA 503/2010 (supra), they have passed an order dated 4.01.2011 along with a due and drawn statement to the applicant informing him how his pay has been fixed in terms of railway circular dated 23.01.1996.

10. Having heard the applicant appearing in person and gone through the pleadings available on record, we find no error in the way the applicant's pay has been fixed and it is absolutely in accordance with the provisions of Railway Board circular dated 23.01.1996, quoted above except the apparent arithmetic error pointed out in para 7 above. The OA is thus disposed of with direction to the respondents to scrutinize whether the deduction should be Rs.24/- instead of Rs.26/- as on 19.02.1976 and if the finding is in the affirmative revise the pay accordingly. No costs.

(Raj Vir Sharma)
Member (J)

(P.K. Basu)
Member (A)

/dkm/