

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.021/01467/2014**

**Reserved: 10.09.2018**

**Order pronounced: 11.09.2018**

Between:

1. B. Anuradha, W/o. B. Venkateswara Rao,  
Aged 51 years, Occ: Sr. Section Officer (Accounts),  
P.F. No. (03265286)
2. T.R. Sai Kumari, W/o.K. Radhakrishnan,  
Aged 59 years, Occ: Accounts Assistant,  
P.F. No. (01111747)
3. G.R. Jagannadha Bai, W/o. G. Raghunath,  
Aged 55 years, Occ: Accounts Assistant,  
P.F. No. (03953269)
4. Rajender Damle, S/o. C.U. Damle,  
Aged 52 years, Occ: Sr. Section Officer (Accounts),  
P.F. No. (06971945)
5. S. Nagalakshamma, W/o. S. Suryaprakash,  
Aged 56 years, Occ: Accounts Assistant,  
P.F. No. (01114323)
6. M.R. Vijaya Laxmi, D/o.P.R.K. Murthy,  
Aged 59 years, Occ: Accounts Assistant,  
P.F. No. (01113525)
7. P. Gayatri Padmavathi, D/o. N.S. Krishnamurthy,  
Aged 55 years, Occ: Sr. Section Officer (Accounts),  
P.F. No. (01113914)
8. P. Nagendra Rao, S/o. P. Narasimha Murthy,  
Aged 40 years, Occ: Accounts Assistant,  
P.F. No. (01128360)
9. M. Surya Bhavan, s/o. M . Taleshwar Rao,  
Aged 56 years, Occ: Sr. Section Officer (Accounts)  
P.F. No. (01115042)
10. Raut Hari, S/o. Raut Nagnath,  
Aged 59 years, Occ: Accounts Assistant,  
P.F. No. (01115730)
11. B. Balaji, S/o. B. Lingaiah,  
Aged 54 years, Occ: Accounts Assistant,  
P.F. No. (01116782)

12. R. Ramu, S/o. R. Venkata Rao,  
Aged 49 years, Occ: Accounts Assistant,  
P.F. No. (01120669)
13. P.S.V.S.S.N.V. Sarma., S/o. P.S.N. Murthy,  
Aged 49 years, Occ: Sr. Section Officer (Accounts)  
P.F. No. (01122060)
14. P. Shyamasunder, S/o. P. Shivraj,  
Aged 59 years, Occ: Accounts Assistant,  
P.F. No. (01111206)
15. S. Pramila, D/o. A. Joshua,  
Aged 56 years, Occ: Accounts Assistant,  
P.F. No. (01114037)
16. A. Vikramsimha Reddy, S/o. A.V. Bhasker Reddy,  
Aged 52 years, Occ: Accounts Assistant,  
P.F. No. (01115741)
17. N. Srinivasul Reddy, S/o. Seeta Reddy,  
Aged 41 years, Occ: Accounts Assistant,  
P.F. No. (01127767)
18. N. Kameshwara Rao, S/o. N.A. Narsimham,  
Aged 47 years, Occ: Accounts Assistant,  
P.F. No. (01407156)
19. Shashikala D Ragade, W/o. Dadarao Ragade,  
Aged 52 years, Occ: Accounts Assistant,  
P.F. No. (01115790)
20. Jude Stephenson, S/o. R. Stephenson,  
Aged 54 years, Occ: Accounts Assistant,  
P.F. No. (01112375)
21. Amjad Osman, S/o. Gayasuddin,  
Aged 57 years, Occ: Accounts Assistant,  
P.F. No. (01113872)
22. Y. Chuchu Rama Rao, S/o. Y. Subbarayudu,  
Aged 51 years, Occ: Accounts Assistant,  
P.F. No. (01121765)
23. S.Latha, D/o. Tulsigiri Rao,  
Aged 48 years, Occ: Accounts Assistant,  
P.F. No. (07272352)
24. R. Hema Ratna, D/o. R. Kameswara Rao,  
Aged 49 years, Occ: Accounts Assistant,  
P.F. No. (01121704)

25. V.A. Narayana Rao, S/o. V.S.P. Rao,  
Aged 53 years, Occ: Accounts Assistant,  
P.F. No. (01116344)
26. B. Bharathi, D/o. V.V. Rangam,  
Aged 55 years, Occ: Sr. Section Officer (Accounts),  
P.F. No. (01205699)
27. V.M. Dhage, S/o. Marot Rao  
Aged 54 years, Occ: Accounts Assistant,  
P.F. No. (01115728)
28. P.R. Gajalakshmi, D/o. P.C. Rajabhadur,  
Aged 59 years, Occ: Accounts Assistant,  
P.F. No. (01112995)
29. S.P. Subramanya Kumar, S/o. S.P. Kanakaiah,  
Aged 59 years, Occ: Accounts Assistant,  
P.F. No. (01111190)
30. Donald Xavier, S/o. Francis Xavier,  
Aged 47 years, Occ: Accounts Assistant,  
P.F. No. (01208421)
31. B. PHani Vinayak Rao, S/o. B. Krishna Rao,  
Aged 49 years, Occ: Accounts Assistant,  
P.F. No. (01508453)
32. M. Nirmala, W/o. B. Nagaraja rao,  
Aged 54 years, Occ: Accounts Assistant,  
P.F. No. (01116861)
33. A. Devasena, W/o. M.V. Krishna Rao,  
Aged 52 years, Occ: Accounts Assistant,  
P.F. No. (01117105)
34. J. Indira, W/o. J. Balakrishna,  
Aged 57 years, Occ: Accounts Assistant,  
P.F. No. (01114049)
35. A.V. Sridhar Rao, S/o. A.J. Venkata Rao,  
Aged 57 years, Occ: Accounts Assistant,  
P.F. No. (01112296)
36. K. Christopher, S/o. K. Jayapaul,  
Aged 46 years, Occ: Accounts Assistant,  
P.F. No. (01121388)
37. B. Manjula, W/o. K.A.Vijay Kumar,  
Aged 47 years, Occ: Accounts Assistant,  
P.F. No. (01127172)

38. A. Narsimha Rao Naidu, S/o. A. Rama Chandran,  
Aged 58 years, Occ: Accounts Assistant,  
P.F. No. (01110652)
39. M. Anuradha Kumar, W/o. M. Ramesh Kumar,  
Aged 51 years, Occ: Accounts Assistant,  
P.F. No. (01117087)
40. G. Priyadarshini, W/o. G. Gopikrishna,  
Aged 51 years, Occ: Accounts Assistant,  
P.F. No. (01121042)
41. G. Chandrasekhar Reddy, S/o. G. Subba Reddy,  
Aged 52 years, Occ: Accounts Assistant,  
P.F. No. (01115765)
42. V. Sreekumar, S/o. V.V. P. Vital Rao,  
Aged 47 years, Occ: Accounts Assistant,  
P.F. No. (01116071)
43. K. Leelavathi, W/o. D. Janardhanan,  
Aged 52 years, Occ: Accounts Assistant,  
P.F. No. (01114300)
44. N.S.J. Narsimham, S/o. N.D.V. Adinarayana,  
Aged 50 years, Occ: Sr.TIA,  
P.F. No. (01120761)
45. Y. Somanadham, S/o. Y. Satyanarayana,  
Aged 51 years, Occ: Accounts Assistant,  
P.F. No. (10001270)
46. T. Renuka Devi, W/o. T. Murali,  
Aged 44 years, Occ: Sr. Section Officer (Accounts),  
P.F. No. (01118249)
47. M. Vidyaranya, S/o. M. Muttukrishna,  
Aged 50 years, Occ: Accounts Assistant,  
P.F. No. (01121157)
48. P. Achila, D/o. K.V. Rajaiah,  
Aged 58 years, Occ: Accounts Assistant,  
P.F. No. (01111980)
49. D. Amarender Reddy, S/o. D. Jagga Reddy,  
Aged 55 years, Occ: Accounts Assistant,  
P.F. No. (07103517)
50. K. Kusha Prakash, S/o. K. Janakirama Rao,  
Aged 50 years, Occ: Accounts Assistant,  
P.F. No. (01120505)

51. G. Anasuya, D/o. Suryanarayana,  
Aged 50 years, Occ: Accounts Assistant,  
P.F. No. (09708431)
52. Espee Doraswamy, D/o. Joseph Collas,  
Aged 58 years, Occ: Accounts Assistant,  
P.F. No. (01541468)
53. M. Santosh Kumar, S/o. M. Chennaiah,  
Aged 50 years, Occ: Accounts Assistant,  
P.F. No. (01120943)
54. M. Nagaraj, S/o. M.L.N. Sarma,  
Aged 52 years, Occ: Accounts Assistant,  
P.F. No. (01116599)
55. K. Chandra Sekhar, S/o. K.B. Rama Rao,  
Aged 52 years, Occ: Accounts Assistant,  
P.F. No. (01116400)
56. V. Chandrasekhar, s/o. V. Chengaiah,  
Aged 57 years, Occ: Accounts Assistant,  
P.F. No. (01113033)
57. K. Raju, S/o. Megappa,  
Aged 39 years, Occ: Accounts Assistant,  
P.F. No. (01128292)
58. K. Sreenivasa Rao, S/o. K. Venkateshwara Rao,  
Aged 51 years, Occ: Accounts Assistant,  
P.F. No. (03728134)
59. P.K. Lande, s/o. Kishan rao,  
Aged 54 years, Occ: Sr. Section Officer (Accounts),  
P.F. No. (01114669)
60. K.V. Bhaskar Reddy, S/o. K. Ramkrishna Reddy  
Aged 49 years, Occ: Sr. Section Officer (Accounts)  
P.F. No. (01122022)
61. G. Srinivasulu, S/o. G. Subbaiah,  
Aged 49 years, Occ: Accounts Assistant,  
P.F. No. (01120529)
62. T. Eshwar Rao, S/o. T. Venkateshwarlu,  
Aged 54 years, Occ: Accounts Assistant,  
P.F. No. (01507590)
63. C. Usha Rani, W/o. S. Chandrasekhar,  
Aged 51 years, Occ: Accounts Assistant,  
P.F. No. (01127408)

64. C. Rajeshwar Rao, S/o. C.R. Narayana,  
Aged 50 years, Occ: Accounts Assistant,  
P.F. No. (01130389)
65. B. Premalatha, W/o. B. Venkateswar Rao,  
Aged 58 years, Occ: Accounts Assistant,  
P.F. No. (01112740)
66. Naseeruddin Ahmed, S/o. Moihiuddin Ahmed,  
Aged 46 years, Occ: Accounts Assistant,  
P.F. No. (01120177)
67. Y. Suddhakar, S/o. Y. Venkateshwar Rao,  
Aged 57 years, Occ: Accounts Assistant,  
P.F. No. (03102348)
68. C.P. Mularidharan, S/o. P. Sankunni Nair,  
Aged 58 years, Occ: Accounts Stock Verifier,  
P.F. No. (01115947)
69. A. Prem Kumar, S/o. A. Nandan Rao,  
Aged 54 years, Occ: Accounts Assistant,  
P.F. No. (01114440)
70. A. Sreedevi, W/o. A. Murali Krishna,  
Aged 51 years, Occ: Accounts Assistant,  
P.F. No. (01113793)
71. J.V.L. Prasad, S/o. J.L.N. Sastry,  
Aged 48 years, Occ: Accounts Assistant,  
P.F. No. (01121960)
72. T.V. Subbaramaiah, S/o. T. Mallaiah,  
Aged 48 years, Occ: Sr. Section Officer (Accounts)  
P.F. No. (09509616)
73. Ch. Rama Lakshmi, W/o. Ch. V.S. Prabhakar,  
Aged 56 years, Occ: Sr. Section Officer (Accounts),  
P.F. No. (01745013)
74. T.M. Madhusudhan, S/o. T. Munnaiah,  
Aged 49 years, Occ: Sr. Section Officer (Accounts),  
P.F. No. (01121972)
75. S.S. Srinivas, S/o. S.V.K. Mohana Rao,  
Aged 50 years, Occ: Sr. Section Officer (Accounts),  
P.F. No. (01121091)
76. Md. Khasim, S/o. Abdul Rahiman,  
Aged 49 years, Occ: Sr. Section Officer (Accounts),  
P.F. No. (01120864)

77. N. Suryanarayana Reddy, S/o. N. Sangi Reddy  
Aged 58 years, Occ: Inspector of Stores Accounts,  
P.F. No. (01111577)
78. J.V. Narasimha Rao, S/o. J. Suryanarayana,  
Aged 56 years, Occ: Accounts Assistant,  
P.F. No. (10090733)
79. Prakrati Saxena, W/o. Suresh Raj Saxena,  
Aged 46 years, Occ: Sr. Section Officer (Accounts)  
P.F. No. (01121418)
80. G. Annapurna, W/o. G.V.B. Satyanarayana,  
Aged 52 years, Occ: Accounts Assistant,  
P.F. No. (01115753)
81. D. Visweswar Rao, S/o. D.V. Krishna Rao,  
Aged 59 years, Occ: Accounts Stock Verifier,  
P.F. No. (01112673)
82. Ch. Nagamalleswara Rao, S/o. Ch. Veeraiah,  
Aged 53 years, Occ: Accounts Stock Verifier,  
P.F. No. (01118171)
83. V. Pratap, S/o. V. Rajgopal,  
Aged 53 years, Occ: Accounts Stock Verifier,  
P.F. No. (05502640)
84. N. Arundhati, W/o. N. Naresh Kumar,  
Aged 52 years, Occ: Accounts Assistant,  
P.F. No. (01112960)
85. Sunil Rikibe, S/o. Digamber Rao,  
Aged 53 years, Occ: Sr. Section Officer (Accounts)  
P.F. No. (03915049)
86. P. Sharada, W/o. P. Chandrasekhar,  
Aged 54 years, Occ: Accounts Assistant,  
P.F. No. (01113501)
87. S. Shashidharan, S/o. K.C.S. Kurup,  
Aged 48 years, Occ: Accounts Assistant,  
P.F. No. (10044723)
88. P. Venkateswara Rao, S/o. P. Satyanarayana,  
Aged 58 years, Occ: Accounts Assistant,  
P.F. No. (01112752)
89. V. Gowri, W/o. R. Kumar,  
Aged 48 years, Occ: Sr. Section Officer (Accounts)  
P.F. No. (03103146)

90. Deepa M. Krishnan, W/o. V.M. Krishnan,  
Aged 51 years, Occ: Sr. Section Officer (Accounts)  
P.F. No. (01112612)
91. P. Venkatesh, S/o. P. Madhava Ro,  
Aged 48 years, Occ: Accounts Assistant,  
P.F. No. 08265331
92. Y.R. Sujatha, W/o. K.R. Dayanand,  
Aged 55 years, Sr. Section Officer (Accounts)  
P.F. No. 01115406
93. M.S. Srinivas, S/o. M. Venkataratnam  
Aged 49 years, Occ: Accounts Assistant,  
P.F. No. 01121030
94. Surenderkumar Vohra, S/o. F.B. Vohra,  
Aged 47 years, Occ: Accounts Assistant,  
P.F. No. 03475098
95. V. Nageshwar Rao, S/o. V. Rama Rao,  
Aged 47 years, Occ: Accounts Assistant,  
P.F. No. 01128565
96. Aruna Kumar, W/o. M.S. Kumar,  
Aged 57 years, Occ: Accounts Assistant,  
P.F. No. 01114293
97. T.A. Gnanambika, W/o. T.S. Aradhananreswaran,  
Aged 58 years, Occ: Accounts Assistant,  
P.F. No. 01111346.
98. C. Baba Saheb, S/o. Peeru Saheb,  
Aged 50 years, Occ: Accounts Assistant,  
P.F. No. 071014546
99. P.S. Ranga Babu, S/o. P. Laxman Rao,  
Aged 55 years, Occ: Accounts Assistant,  
P.F. No. 01127706.
100. A. Usha Prem Kumar, W/o. A.G. Prem Kumar,  
Aged 54 years, Occ: Accounts Assistant,  
P.F. No. 01112468.

(All employees are working in office of the Financial Advisor &  
Chief Accounts Officer, South Central Railway, Secunderabad).

... Applicants

And

1. Union of India, rep. by its  
Secretary to Govt. of India,  
Ministry of Railways (Railway Board),  
Rail Bhavan, New Delhi.



2. The Secretary to the Government of India,  
Ministry of Finance, New Delhi.
3. The Financial Commissioner,  
Railway Board, Rail Bhavan, New Delhi.
4. The General Manager,  
South Central Railway, Secunderabad.
5. The Financial Advisor & Chief Accounts Officer,  
South Central Railway, Secunderabad.
6. Financial Advisor & Chief Accounts Officer/Construction,  
South Central Railway, Secunderabad.
7. The Sr. Divisional Finance Manager,  
Secunderabad Division, Secunderabad.
8. The Sr. Divisional Finance Manager,  
Hyderabad Division, Secunderabad.
9. The Deputy Financial Advisor & Chief Accounts Officer,  
Lalaguda Work Shop, Secunderabad.
10. The Chief Project Manager,  
Railway Electrification, Secunderabad.

... Respondents

Counsel for the Applicants	...	Mr. M. Srinivasa Rao
Counsel for the Respondents	...	Mr. P. Gangarami Reddy, SC for Railway

**CORAM:**

<i>Hon'ble Mr. B.V. Sudhakar</i>	...	<i>Member (Admn.)</i>
<i>Hon'ble Mr. Swarup Kumar Mishra</i>	...	<i>Member (Judl.)</i>

**ORDER**

*{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}*

The OA is filed questioning the action of the Respondents in not granting revised pay scales to the applicants w.e.f 1.1.96

2. Brief facts are that the applicants are working in different capacities as Junior Accountants, Senior Accountants, etc under South Central Railway. Noticing the disparity in the pay scales of Sr. Auditors /Accountants vis-a-vis Secretariat Posts, the staff union of the applicants demanded parity of pay. The

V pay commission recommended a pay scale of Rs.5000- 8000 as per the version of the applicants, which was enhanced by the Govt. to Rs 5,500-9,000. The revised pay scale was granted notionally w.e.f 1.1.96 but the actual payment was made from date of approval by the Cabinet ie 19.2.2003. The applicants are aggrieved that the revised pay scale need to be given effect from 1.1.96 as was extended to other category of employees and hence this O.A.

3. The Applicants at the outset claim that the OA filed is within the limitation proviso of A.T Act reckoning the date of the latest judgment of the Honorable Supreme Court in the matter. Applicants further contend that when similarly placed employees plea for payment of revised pay scale from 1.1.96 was rejected by the Honorable Administrative Tribunal, Patna Bench in OA No. 925/2003, the Honorable High Court of Patna, upheld the plea of the applicants on grounds that when employees of other departments are being paid from 1.1.96 denying the same to the accounts department employees is discriminative and unfair. Respondents approached the Honorable Supreme court vide SLP(C) No.1587-1588 of 2014, but could not get any relief. Similar benefit was extended to some employees working in the Accounts department on grounds of discrimination when they approached the Honorable Central Administrative Tribunal, Ernakulam bench which was upheld by Honorable High Court of Kerala. The SLP and review filed by respondents thereto in Honorable Apex Court were dismissed. However the Supreme Court in SLP (C) No.9832 of 2013 confirmed that the relief will be applicable only to the applicants before the Honorable Tribunal, Ernakulam bench and as a result the applicants contend that the respondents are not extending the benefit to other similarly placed employees. The applicants have also contended that for Artisan, Master Cook etc their pay was revised from 1.1.96 based on a Govt decision but not extended

analogous benefit to them. Therefore they are seeking remedy from this Tribunal.

4. The respondents contest that the O.A is barred by limitation as more than a decade has passed from the date of decision of the Govt. to pay the revised pay scale and filing of the O.A. The Respondents also point out that the Honorable Apex Court has not decided on point of law and therefore allowed relief only to those parties who contested before Honourable Administrative Tribunal / High Court of Patna and that the matter needs to be adjudicated afresh for others who claim on similar basis. The Respondents state that an expert body like the Pay Commission revises the pay scales based on many factors like responsibility, recruitment, qualification etc. Honorable Apex Court has also observed that revision of pay scales is best left to the expert bodies and the Govt. to decide. The V pay commission did not find it fit to revise the pay scales of the Accounts staff of the Indian Railways. As such, based on a group of Ministers recommendation the pay scales were revised for the accounts staff, from the date of approval of the proposal by the Cabinet on 19.2.2003. Whereas for other category of employees the revision was recommended by the V th pay commission and hence implemented from 1.1.96. Respondents further clarify that for the artisans there were two grades in the hierarchy which were given the same scale by the Vth Pay Commission and hence the Govt. had to step in to resolve the grievance w.e.f 1.1.96 by providing relief required. Similar such valid reasons existed in the cases of Master Cooks and Primary Teachers for revision from the date cited. Drawing comparison to these cases by the applicants is illogical as they are on a totally different footing. The respondents claim that any revision with effect from the date demanded will also result in an enormous financial burden on the public exchequer.

5. Heard the learned counsel.

6. As is evident from the details of the case the Vth pay Commission has not granted the pay scale of Rs 5500-9000 but it was a Govt. decision which was given effect to, based on the recommendation of group of Ministers from the date of approval by the cabinet on 19.2.2003. In case of other categories the V pay commission recommendation were in place and hence implemented from 1.1.96. Government in its wisdom considered facts involved like financial, administrative, etc. and has taken a decision to give effect to revision w.e.f. 19.02.2003. Govt did provide financial relief which did not find a place in V CPC recommendations. Questioning the date of implementation at this distant date does not call for any interference on behalf of the applicants for reasons expounded above. Thus the applicants demanding implementation of the revision from 1.1.96 does not stand to reason as discussed. More so, in the context of Honorable Apex Court observation made in Arun Jyothi Kundu's case in CA No. 2468-2469 of 2005, as under

*“....Once we find that it was open to the Government to extend a benefit to a set of its employees with effect from a particular day of the bias of some anomaly found in the report of the fifth pay commission, there would arise no discrimination because the very implementation of the fifth pay commission report would not entitle the respondents to any benefit. The very right to their benefit arose because of the decision of the Government to extend to them a particular benefit not specified in the Fifth Pay Commission Report. It is, therefore, not possible to postulate that the decision of the Government must be given, retrospective effect and if no effect is given the tribunal or court can interfere and direct the giving of such retrospective effect.*

*“We are, therefore, of the view that the Central Administrative Tribunal has exceeded its jurisdiction in issuing the directions it has issued and the High Court was in error in not setting them aside. We, therefore, allow these appeals and setting aside the decision of the High Court and that of the Central Administrative Tribunal dismiss the OA filed before the CAT/ Calcutta....”*

7. Even in cases where relief was granted in cases which reached the Honorable Apex Court it was made crystal clear that the relief is only to those

parties who agitated on the issue before the respective judicial bodies and in regard to others it has to be dealt afresh as and when they arise. The case of the applicants was thus examined in paras supra. To recapitulate, an expert body like the pay commission has gone into their issue and the Govt. provided relief after examining the same. Honorable Supreme Court judgment has not provided for an universal relief on the issue. Drawing comparison to others who are not similarly placed does not pass the test of reason. Therefore pleading for implementation with retrospective effect from 1.1.96 is devoid of merit on grounds explained above and it is too late in the day to rake up such issues.

8. Therefore the case fails and hence the O.A is dismissed with no order to costs.

**(SWARUP KUMAR MISHRA)**  
**MEMBER (JUDL.)**

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

Dated, the 11<sup>th</sup> day of September, 2018

*evr*