

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

**Original Application No. 1188 of 2012**

**Date of CAV: 21.08.2018**

**Date of Pronouncement: 04 .09.2018**

Between:

P.V. Chandrasekhar,  
S/o. P. Appalanaidu, aged 37 years,  
Occ: Assistant Station Master,  
O/o. The Station Superintendent,  
Pithapuram, Vijayawada Division,  
South Central Railway,  
R/o. H. No. 2-54, Venkaiahgaripeta Street,  
Chodavaram post, Visakhapatnam Dt. – 531036.

... Applicant

And

1. Union of India, Represented by  
The General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.
2. The Senior Divisional Personnel Officer,  
South Central Railway, Vijayawada Division,  
Vijayawada.
3. The Secretary,  
Department of Personnel & Training,  
Ministry of Personnel, Public Grievances and Pensions,  
Government of India,  
North Block, Central Secretariat, New Delhi.

... Respondents

Counsel for the Applicant	...	Mr. KRKV Prasad, Advocate
Counsel for the Respondents	...	Mrs. K. Rajitha, Sr. CGSC for R-3
		Mr. M. Venkateswarlu, SC for Railways.

***CORAM:***

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

***ORDER***

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

The OA has been filed against the action of the respondents in reducing the pay of the applicant on inter railway transfer request and fixing it as per memo No B/P.524/VI/I/ASMs/VI-PC dt 14.06.2012

2. The case in brief is that the applicant while working as Assistant Station Master ( ASM) in Hubli division of South Western Railway in the pay scale of Rs.4,500-7,000 (5<sup>th</sup> CPC) sought inter zonal request transfer to Vijayawada Division of South Central Railway on 5.08.2004. The applicant got promoted on 17.11.2007, to ASM in the scale of Rs.5,000–8,000 which corresponds to the PB Rs 9300-34800 with Grade pay of Rs 4200 as per 6<sup>th</sup> CPC.

3. The contention of the applicant is that the 2<sup>nd</sup> respondent fixed the applicant's pay from 01.01.2006 and fixed at Rs 11,810 with grade pay of Rs 4200 equalling to a total pay of Rs 16,010 in the pay band-2 ( Rs 9300-34,800 with Grade pay of Rs.4200) as on 01.07.2010. However, on joining Vijayawada Division it was fixed as Rs 14,610 (Rs.11,810 plus grade pay of Rs.2,800) in pay band of Rs.5200– 20,200 with G.P Rs.2,800, causing a monthly loss of Rs.1,400. Applicant claims that his pay has to be fixed by granting grade pay of lower post ie Rs 2800 and the balance as pay of Rs.13,210 in the pay band so that his pay of Rs 16,210 is protected. The applicant on coming to know of the lower pay through the impugned order, approached the respondents informally. They informed that his pay was fixed as per instruction dt 21.10.2009 of 3<sup>rd</sup> respondent which refers to office memorandum dt 14.2.2006 and fixation of pay on request transfer to a lower post under F.R.15(a).

3. The Respondents assertion is that the pay of the applicant has been fixed correctly as Rs 14,610 as per DO P & T memo dt 21.10.2009 which was circulated vide railway board letter dt 30.11.2009 and under FR 15 a/ FR 22 (a) (a) (3) plus analogous provisions of Indian Railway establishment manual code vol II.

4. Heard the learned counsel. Each stuck to their grounds as let in by their respective written submissions.

5. The object of request transfer is to facilitate the employee to function in the desired place of posting, and for this benefit he derives, there shall be some sacrifice from his side and the same is loss of seniority he had gained in the previous Division. In so far as pay fixation is concerned, as per the extant rules pay is protected by placing him at the stage in the grade pay applicable to the post to which he stands transferred proximate to the pay drawn and if there is no such stage, at a stage lower to the same and the difference between the pay already drawn and that fixed in the post at the transferred place of posting being treated as personal pay to be absorbed in future increments.

6. The pay fixed by the respondents in the case of the applicant has been on the above basis and thus in the pay band of pay of Rs 9300 – 34800 the pay has been fixed at Rs.11,810 which was the pay drawn by him in the previous place of posting. However, in so far as grade pay is concerned, his grade pay at Hubli was Rs 4,200/- in the higher post, while what has been fixed is Rs 2800/- which is applicable to the post of ASM in the lower pay band. The claim of the applicant is that pay protection should include the pay plus grade pay, which in the earlier place of posting worked out to Rs 16,010/- whereas what has been fixed is Rs 11,810 + Rs 2800 i.e. Rs 14,610/- only.

7. Effective from the Sixth Pay Commission, the pay has been bifurcated broadly as band pay and Grade Pay. Grade Pay, as the appellation reflects, is the pay applicable to the post or grade, while pay band is one of general in nature, which may be applicable to more than one post. Thus, the pay scale of Rs 9300 -34800/- called PB 2 is applicable to both the feeder post and promotional post, while the difference is only in Grade pay which is Rs 2800 for feeder post and Rs 4200 for promotional post. The term pay no doubt includes the pay in the pay band as also the Grade Pay. However, on completion of one year, increment is given only with respect to the pay in the pay band while the grade pay

remains static as long as the employee serves in the same post. The pay has thus been fixed correctly by the respondents in accordance with DOP&T memo dt 21.10.2009 keeping the provisions of F.R 15 (a) and allied F.R provisions. In particular, when the applicant was transferred to a lower post, the grade pay of which is Rs 2,800/-, fixation of pay has accordingly been fixed by the respondent. We find no error in the same.

8. Therefore the application is misconceived and hence is dismissed. No cost.

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

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

Dated, the 4<sup>th</sup> day of September, 2018

*evr*