

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 966 of 2012

LIBRARY

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

JOYDEV CHATTERJEE & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Mr.S.Samanta, counsel

For the respondents : Mr.A.K.Guha, counsel

Order on : 30.6.16.

O R D E R

Ld. Counsels were heard and materials on record were perused.

2. This application has been filed seeking the following reliefs :

- a) Leave be granted to the applicants, having a same and similar cause of action as stated in paragraph 4(n) hereinabove, to join together and file the instant application jointly under the provisions of Rule 5(a) of the Central Administrative Tribunal (Procedure) Rules, 1987;
- b) Direction do issue directing the Railway authorities to refix the pay of the applicants in the scale of Rs.4500/- to 7000/- w.e.f. February 1998 along with increments from the same date i.e. February 1998 and to release the same along with arrears forthwith with interest @ 18% per annum on all such arrear accumulations together with all consequential benefits;
- c) Injunction do issue restraining the respondent authorities from refixing the pay of others without first refixing the pay of the applicants and making payment thereof to the applicants;
- d) Direction do issue upon the respondent authorities directing them to produce and/or cause to be produced the entire records of the case and upon such production being made to render consonable justice by passing necessary orders thereon.

3. During the course of hearing it transpired that by way of impugned speaking order the respondents have adequately demonstrated why the applicant was granted pay scale of Rs.4500-7000/- w.e.f. 25.8.2000 and not from an early date as the applicant has prayed for i.e. February 1998. The record reveals that the higher scale was conferred to the applicant due to

B.

merger of the post of PWM Grade I & II which carried the scale of Rs.4500-7000 (RSRP) and Rs.4000-6000 (RSRP) respectively.

4. Since the applicant was holding the scale of Rs.4000-6000/- as on the date of merger he moved to the higher scale of Rs.4500-7000/- w.e.f. the date of merger. Ld. Counsel for the applicant failed to show that the merger was effected from an early date and therefore the prayer for grant of higher scale of pay from an early date was not found tenable.

5. In regard to the contention of the Ld. Counsel for the applicant drawing our attention to the office order dated 15.2.01 as contained in Annexure A/4 that one Dilip Kumar Roy and one P. Banerjee were granted higher scale of Rs.4500-7000 w.e.f. 1.1.96, the respondents have adequately justified such grant. Ld. Counsel submitted that the said two incumbents were already in the scale of Rs.4500-7000 prior to the date of merger. They already held the post of PWM Grade I whereas Joydev Chatterjee who was in PWM II (4000-6000/-) was upgraded to the post of PWM I due to merger which effected from 25.8.2000 and therefore he was not entitled to the higher scale from an earlier date. To substantiate the contention Ld. Counsel invited our attention to the Annexure R/1 to the reply which revealed that the date of merger was in fact 25.8.2000 and not an earlier date

6. In such view of the matter the decision of the respondents to grant higher scale to the present applicant from the date of merger i.e. 25.8.2000 could not be faulted with.

7. Accordingly the OA stands dismissed. No order is passed as to costs.

(JAYA DAS GUPTA)
MEMBER (A)

in

(BIDISHA BANERJEE)
MEMBER (J)