

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00766/2016

DATED THIS THE 22ND DAY OF NOVEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

R. Yaganathan,
Aged about 42 years,
S/o K. Ranganathan,
Working as Passenger
Goods Guard,
South Western Railway,
Bangalore Division,
Bangalore and Residing
At No. 42, Dr. K.V.P. Road,
Bangalore – 560 033.Applicant

(By Advocate Shri M.R. Achar)

Vs.

1. The General Manager,
Representing Union of India,
South Western Railway,
Hubli Zone
Hubli – 570 020.

2. Senior Divisional Personnel
Officer, Bangalore Division,
Bangalore – 560 023

....Respondents

(By Shri N. Amaresh Counsel for the Respondents)

ORDER (ORAL)DR. K.B. SURESH, MEMBER (J):

Heard. The matter is in a very small compass. There cannot be separate pay scales for staff working in the same department at same level lest it destroys the concept of equality.

2. The respondents says that even though he was promoted in August, by October he should have given an option to get a more pay scale but he had apparently not given. The applicant would say that he was never intimated as to he has to give an option. Therefore we will now give him an opportunity for giving that technical option within the next two weeks following which the benefit as available to others at equivalent position will be made available to the applicant also. It appears that the Hon'ble High Court in Writ Petition No. 357/2014 dated 13.06.2014 has also upheld this decision.

3. Therefore the benefit will be made available to the applicant within two months next of his giving the option. The OA is allowed to this extent. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicants in OA No.170/00766/2016

Annexure A-1: True copy of South Western Railway letter No. B/P. 608/I/Goods Guard/PRQ/05 dated 01.02.2006

Annexure A-2: True copy of South Western Railway letter No. B/P. 608/I/Goods Guard/PRQ/05 dated 03.08.2006

Annexure A-3: True copy of South Western Railway letter No. B/P. 524/I/VI PC/Guards/Rng dated 16.03.2009

Annexure A-4: True copy of South Western Railway letter No. B/P. 524/I/VIPC/GUARDS/RNG dated 13.10.2010

Annexure A-5: True copy of South Western Railway letter No. B/P.180/I/Tfc/Guards dated 26.11.2010

Annexure A-6: True copy of judgment in Central Administrative Tribunal, Bangalore Bench OA No. 486/2011 dated 12.08.2013

Annexure A-7: True copy of South Western Railway letter No. B/P 529/I/TFC/Goods Guard dated 20.11.2013

Annexure A-8: True copy of reply of the applicant dated 04.12.2013 addressed to the 2nd Respondent

Annexure A-9: True copy of South Western Railway letter No. B/P 524/I/TFC/Goods Guard dated 24.09.2015

Annexure A-10: True copy of reply of the applicant dated 15.10.2015 addressed to the 2nd Respondent

Annexure A-11: True copy of South Western Railway letter No. B/P 529/I/TFC/Goods Guard dated 25.01.2016

Annexure A-12: True copy of RBE 103/2008 dated 04.09.2008

Annexure A-13: True copy of RBE 108/2008 dated 11.09.2008

Annexure A-14: True copy of RBE 109/2008 dated 12.09.2008

Annexure A-15: True copy of judgment in OA No. 827-831/2012 of Central Administrative Tribunal, Bangalore Bench dated 20.08.2013

Annexures with reply statement:

Nil
