

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.1047/PB/2011

Date of decision: 18.03.2019

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

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Narata Ram S/o late Sh. Jagganath, aged 64 years (Ex-Caretaker, Diesel Shed, Diesel Training Hostel, Ludhiana) presently resident of Chungi, Jalandhar By Pass, Near Sacred Convent School, Ludhiana.

... APPLICANT

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Personnel Officer, Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railway, Ferozepur Division, Ferozepur.
4. Divisional Personnel Officer, Northern Railway, Ferozepur Division, Ferozepur.

... RESPONDENTS

PRESENT: Sh. K.B. Sharma, counsel for the applicant.
Sh. Yogesh Putney, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed by the applicant assailing orders dated 22.10.2010 (Annexure A-15), order dated 3.7.2003 (Annexure A-3) and 9.7.2003 (Annexure A-4) to the extent of fixing his pay in the pay scale of Rs.1200-1800 that too on notional basis and to modify to the extent that applicant be held entitled to all the actual benefits of pay

scale of Rs.1200-2040 w.e.f. 27.2.1992 and 4500-7000 w.e.f. 1.1.1996 with corresponding pay revision w.e.f. 1.1.2006 with all consequential benefits.

2. Facts which led to filing of the O.A. are that the applicant initially joined the respondent department as Fitter Khalasi on 3.6.1965 in the pay scale of Rs.196-232. In the year 1991 while working as Diesel Assistant, he was declared medically de-categorized and was re-deployed against post of Running Room Care Taker on 27.2.1992 in the pay scale of Rs.950-1500. Since applicant was getting basic pay @ Rs.1375/- p.m. as Diesel Assistant therefore, he was granted 30% running allowance, so as to make good loss as the total pay he was having at that time was 1787.50/-, that was over and above maximum pay in the re-deployed pay scale of Rs.950-1500. Therefore, in terms of Rule 1313 of IREC as, when a person starts drawing pay at the maximum of the pay scale of the post, his initial pay in the pay scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post. Accordingly, his pay was fixed in the pay scale of Rs.1200-1800 at the stage, he was getting before de-categorization. Pay scale of 950-1500 was revised to pay scale of Rs.3050-4590 and Rs.1200-1800 was revised to Rs.4000-6000 w.e.f. 1.1.1996. Considering his performance, applicant was promoted as Care Taker w.e.f. 4.3.1998 in the pay scale of Rs.4500-7000. Applicant is before this Court on the ground that once he has been granted pay scale of Rs.1200-1800, and he becomes entitled to fixation of his pay in the pay scale of Rs.4000-6000, then subsequent on revision of pay and for grant of all consequential benefits from the date when he was

placed in that pay scale. Since he was re-deployed on medical grounds and he was placed in the pay scale of Rs.1200-1800 as he was getting higher pay then he is to be placed in the pay scale of Rs.4000-6000.

3. Respondents have resisted the claim of the applicant by submitting that applicant was re-deployed as Running Room Care Taker in the pay scale of Rs.950-1500 in terms of Rule 1301 of the Railway Service Manual since he was getting higher pay than maximum in the pay scale of Rs.950-1500, his pay was protected at Rs.1787.50 by adding 30% Running Allowance and only on his promotion on 4.1.1993, he was placed in the pay scale of Rs.4500-7000, therefore, this O.A. be dismissed.
4. We have heard learned counsel for the parties and have gone through the pleadings.
5. Conjunctive perusal of pleadings makes it clear that facts are not in dispute.
6. Applicant joined as Diesel Assistant in the year 1991 in the pay scale of Rs.950-1500. He was medically de-categorized and in terms of para 1301 of Railway Service Manual, a person who has been medically de-categorized is to be re-deployed against a post in the same pay scale. Considering applicant was drawing salary in the pay scale of Rs.950-1500 while working as Diesel Assistant and was getting higher pay than the maximum of pay scale of the said post, in terms of para 1313 (b), his pay was fixed in the same pay scale, which he was getting by adding 30% Running Allowance, which is said to be personal pay. Since applicant was never appointed in the pay scale of Rs.1200-1800, therefore, plea raised by him cannot be

accepted. He was re-deployed in the pay scale of Rs.950-1500 in terms of para 1301 of Railway Service Manual, person having redeployed can be placed on the same post carrying same pay scale. Plea of the applicant that he be placed in higher pay scale cannot be accepted because he cannot be adjusted on a post having higher pay scale on medical de-categorization. He was granted benefit of higher pay notionally only on the basis that he was getting higher pay than maximum of pay scale of Rs.950-1800. Therefore, his plea that he be given consequential benefit of the post by granting pay scale of Rs.1200-1800 cannot be accepted. With regard to other prayer of the applicant for grant of annual increment, the respondents have already clarified that the benefit has already been granted vide order dated 26.10.1994 by granting it @Rs.25/- w.e.f. 1.2.1994. Thus, there is no need to pass any order qua that.

7. Accordingly, the O.A. being devoid of merits is dismissed. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 18.03.2019.
Place: Chandigarh.

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