

A INDIAN RAILWAY PERMANENT WAY INSPECTORS
ASSOCIATION AND ANR.

v.

THE UNION OF INDIA AND ORS.

B FEBRUARY 24, 1997

[K. RAMASWAY AND G.T. NANAVATI, JJ.]

Service Law :

C *Railway Services (Revised Pay) Rules, 1986 :*

Pay Scale—Railways—Permanent Way Inspectors Grade III—Claim for higher pay scale than Permanent Way Mistries and Direct Track Maintenance Mistries on the ground that these are separate cadres and are subordinate to claimants—Held, the Government after evaluating the nature of the duties and responsibilities of the different sets of officers, came to the conclusion that the claimants perform substantially the same and similar duties and responsibilities and that therefore, there is no reason to revise the pay scales of Permanent Way Inspectors Gr. III to the scale of pay higher than one fixed by the Railway Department in the Rules, as recommended by the IVth Pay Commission. A representation seems to have been made before the Vth Pay Commission and the Vth Pay Commission has given the report to the Government—Therefore, based on the submission of report of the Vth Pay Commission and acceptance by the Government, the claimants' pay would be looked into—The Tribunal's order accepting Government's stand is consistent with law, and does not warrant any interference.

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CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)
No. 3370 of 1997.

G From the Judgment and Order dated 13.9.96 of the Central Administrative Tribunal, Madras in O.A. No. 1369 of 1993.

P.S. Poti, Manoj Pillai and Ms. Malini Poduval for the Petitioners.

The following Order of the Court was delivered :

H This special leave petition arises from the order of the Central

Administrative Tribunal, Madras, made on 13.9.96 in O.A. No. 1369/93. A
The petitioners are the Permanent Way Inspectors in the pay scale of Rs. 1400-2300. They had sought the pay scale of Rs. 1600-2660 and when that was not given, they approached the Tribunal which has rejected their claim. Thus, this special leave petition.

It is their contention that the Permanent Way Inspectors, Gr. III, B
Permanent Way Mistries and Direct Track Maintenance Mistries are separate cadres and are subordinate to the Petitioners. Therefore, they are entitled to higher scales of pay. It is true that, in an earlier batch of four applications by similarly situated employees, the Central Administrative Tribunal, Bangalore Bench has given direction to grant the pay scales C
claimed by them. After the special leave petition was disposed of by this Court and an order was made in a contempt petition by the Tribunal, the Government considered the matter in the light of the decision given by the Central Administrative Tribunal, Bangalore. On consideration thereof, by proceedings dated July 12, 1991, the Government have stated as under : D

"In obedience duty directions issued by the Honourable Central Administrative Tribunal, Bangalore Bench in the order dated 27.7.89 passed in application Nos. 2029 & 2039 to 2041/1988, is advised the Ministry or Railway (Railway Board) in consultation with the Ministry of Finance, which is the nodal ministry for E
deciding and on issuance pertaining to pay scale and relative aspect of Central Government employees have made due evaluation of the nature of duty and responsibility of the PWI's Grade III with that of PWM & DTM on such evaluation of all aspect it has been observed that Kholder of the post of PWI Grade III performs F
substantially the same or similar duties and responsibilities and therefore there are no circumstances to revise the scale of pay of PWI Grade III to the scale of pay higher than the one fixed in the Railway Services (revised pay) rule 1986 issued by the President pursuant to the recommendation made by the IVth Pay Commis- G
sion."

This was accepted by the Bangalore Tribunal in the contempt proceedings. When the petitioners raised the similar contention, the Tribunal did not accept their contention. It is seen that the Government after evaluating the nature of the duties and responsibilities of the different H

- A sets of officers, as mentioned in the order, came to the conclusion that they perform substantially the same and similar duties and responsibilities and that, therefore, they did not find any reason to revise the pay scales of Permanent Way Inspectors, Gr. III to the scale of pay higher than one fixed by the Railway Department in the Railway Services (revised pay) Rules, 1986 as recommended by the IVth Pay Commission. A representation seems to have been made before the Vth Pay Commission and the Vth Pay Commission has given the report to the Government. Therefore, based on the submission of the report of the Vth Pay Commission and acceptance by the Government, the petitioners' pay would be looked into. The Tribunal's order is consistent with law. Therefore, it does not warrant any interference.
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The special leave petition is dismissed accordingly.

R.P.

Petition dismissed.