

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

PC-VI No. 393

No. PC-VI/2014/Misc/4

New Delhi, dated 15.11.2018

**The General Manager/CAOs,
All Zonal Railways/Production Units
(as per mailing list)**

Sub: Sharing of order dated 11.10.2018 of Hon'ble CAT/PB/Delhi in O.A.No 2230/2014 filed by Shri Partha Protim Mukhopadhyay & Ors Vs UOI & Ors.

A number of court cases have been filed by the employees (in the pre-revised scales of Rs. 6500-10500/7450-11500) of various Zonal Railways seeking re-fixation of their pay in the upgraded pay scales (in pre-revised scale of Rs. 7450-11500/7500-12000). In one such case, the issue has been adjudicated by Hon'ble CAT/PB/Delhi in O.A.No.2230/2014 filed by Shri Partha Protim Mukhopadhyay & Ors Vs UOI & Ors. Union of India & Ors and Hon'ble CAT/PB/Delhi has been pleased to pass the following orders:-

“ 5. The recommendations of the 6th CPC became enforceable w.e.f. 01.01.2006. The formula evolved by the 6th CPC is that the pay scale of an employee shall be revised by multiplying the basic pay of the employee as on 01.01.2006 with the factor 1.86. This is fact, is the ratio laid down by the Hon'ble Supreme Court in a batch of civil appeals. The plea of the applicant is that they have been wrongly placed in the pay scale of Rs. 7450-11500 instead of Rs. 7500-12000.

6. The grievance is referable to the fixation of pay scales on the basis of 5th CPC recommendations. That in turn, became enforceable in the year 1996. The mistake, if at all, as regards fixation of pay scales has crept in the year 1996. There is nothing on record to disclose that the applicant has ever raised this contention either after the recommendations of the 5th CPC were implemented or before the Anomalies Committee constituted soon after the report of the 6th CPC.

7. At this length of time, the grievance even if genuine, cannot be redressed. The OA is accordingly dismissed.”.

2. The Railways may bring the above position to the notice of Railway Advocate contesting such other cases and take necessary action to file a copy of above judgement of the Principal Bench before the respective Hon'ble Tribunals/ Hon'ble Courts and also to utilize the same during arguments.

3. Receipt of this letter may please be acknowledged.

DA: AS ABOVE



**(U.K.Tiwari)
Dy. Director, Pay Commission-VI
Railway Board**

**Central Administrative Tribunal
Principal Bench**

OA No.2230/2014

New Delhi, this the 11th day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Partha Protin Mukhopathyay
s/o Late A.K. Mukhopadhyay
Working as Sr. S.O. (A)
Resident of Surha Mapally, Malancha
Kharagpur, West Bengal
2. Samir Kumar Biswas
Son of Late S.P. Biswas
Working as Sr. S.O. (A)
Resident of Talbagicha, Kharagpur
West Bengal
3. Subhasish Das, S/o Late L.K. Das
Working as Sr. S.O. (A)
Resident of Patna Bazar, Minapur
West Bengal.
4. Malay Kanti Bandopadhyay
S/o Late Ugra Dass Banerjee
Working as Sr. s.O. (A)
R/o E/11, Saratpally, Midnapur
West Bengal.
5. Anup Kumar Saha, S/o Late Sh. K. Saha
Working as Sr. S.O.(A)
R/o Nano Likaberia, Howrah
West Bengal
6. Sri Rasananda Biswal, S/o Late U. Biswal
Working as Sr. S.O.(A)
R/o New Development
Kharagpur, West Bengal.
7. Sri Ashes Kumar Parui,
S/o Late Arun Kumar Parui
Working as Sr. S.O.(A)
R/o Inda, Kharagpur

8. Sri Surendra Nath Jena
S/o Late Sanatan Jena
Working as Sr. S.O.(A)
R/o Rly. Qr. No.S/IV/1
Unit-4, New Development, Kharagpur
West Bengal
9. Sri Samir Kumar Sinha
S/o Late N.N. Sinha
Working as Sr. S.O.(A)
R/o Rly. Qr. No.M.4/c-3
Unit No.1, Kharagpur
West Bengal
10. Sri Padma Lochan Patra
S/o Late R.N. Patra
Working as Sr. S.O.(A)
R/o Rly. Qr. No.386/A/unit-2
South Side, Kharagpur
West Bengal
11. Sri Manas Kumar Biswas
S/o Late D. Biswas
Working as Sr. S.O.(A), R/o Baubetia
Kharagpur, West Bengal
12. Asish Kumar Jana
S/o Late Sudhir Ch. Jana
Working as Sr. S.O.(A)
R/o Gomai, Kharagpur
West Bengal
13. Subrata Sarkar
S/o Sri A.N. Sarkar
Working as Sr. S.O.(A)
R/o Tantigeria, Narkel Bagan
Midnapur, West Bengal
14. Nikhil Ranjan Patra
S/o Late Rakhal Ch. Patra
Working as Sr. S.O.(A)
R/o South India, Kharagpur
West Bengal
15. Santosh Kumar Das
S/o Late Bhupen Chandra Das

- Working as Sr. S.O.(A)
R/o Chowk Bazar, P.O. Motiganj
Dist. Balasore, Orissa.
16. Pabitra Kumar Pal
S/o Late Khudiram Pal
Working as Sr. S.O.(A)
R/o Rabindra Palli P.O. Inda
Kharagpur, West Bengal
 17. Kamalakamta Panda
S/o Paramananda Panda
Working as Sr. S.O.(A)
R/o Saradapally, Inda H.No.592/12
Kharagpur, West Bengal
 18. K. Maruti Prasad
S/o Sri K. Nageswara Rao
Working as Sr. S.O.(A)
R/o Rly Qr 3/NI, Unit-2
West Bengal.
 19. Banamali Das, S/o Chittaranjan
Working as Sr. S.O.(A)
R/o Memari, Barddhaman
West Bengal
 20. Asoke Kumar Maity, S/o N.C. Maity
Working as Sr. S.O.(A)
R/o Suranankar/Panskura
Kharagpur, West Bengal
 21. Kajal Baran Giri, D/o R.N. Giri
Working as Sr. S.O.(A)
R/o Bchala, Kolkata-0
Kharagpur, West Bengal
 22. Sudipta Sarkar, S/o Dwigun Sarkar
Working as Sr. S.O.(A)
R/o Bhowanipur(North)
Kharagpur, West Bengal
 23. Aparup Poria, S/o Late N.L. Poria
Working as Sr. S.O.(A)
R/o A/26, Vidyasagar Sarani
Midnapur, West Bengal. .Applicants

(By Advocate: Ms. Sumita Hazarika)

Versus

1. The Secretary(Establishment)
Railway Board, Ministry of Railway, Rail Bhawan
New Delhi-110001.
2. The Secretary (Expenditure)
Department of Expenditure
Ministry of Finance
New Delhi-110001.
3. The Secretary (Personal & Training)
D.O.P. & T.
Ministry of Personal, Public Grievances & Pension
New Delhi-110001.
4. FA & CAO, South Eastern Railway
Garden Reach
Kolkata - 700043. ..Respondents

(By Advocates: Ms. Geetanjali Mohan and Shri
Shailendra Tiwary)

ORDER (ORAL)**Justice L. Narasimha Reddy:-**

This OA is filed with a prayer to direct the respondents to revise the pre-revised scale of pay of the applicants to the one Rs.7500 to 12000 instead of Rs.7450 to 11500 w.e.f. 01.01.2006. They seek further direction to upgrade the post held by them to the one of Accounts Officer/Audit Officer in the scale of Rs.5400 in PB-2 instead of Rs.4800/- and for further revision of pay scales.

2. The applicants contend that the 6th Central Pay Commission(CPC) recommended revision of pay scales w.e.f. 01.1.2006 for which pre-revised scales became the basis; and in their context, the pre revised scale itself was incorrect. According to them they were entitled to be put in the pre-revised scale of Rs.7500-12000 but wrongfully they have been put in the pay scale of Rs.7400-11500. Reliance is placed upon an Order dated 24.01.2014 passed by the Patna Bench of this Tribunal in OA No.68/2014.
3. The respondents filed a counter affidavit stating that the relief as regards pre-revised scales, preceding the implementation of the 6th Pay Commission cannot be claimed at this stage and the Pay scale of the applicants has been fixed strictly in accordance with the relevant provisions of law. The applicants filed a rejoinder also.
4. We heard Ms. Sumita Hazarika, learned counsel for the applicant and Ms. Geetanjali Mohan and Shri Shailendra Tiwary, learned counsel for the respondents.
5. The recommendations of the 6th CPC became enforceable w.e.f. 01.01.2006. The formula evolved by the 6th CPC is that the pay scale of an employee shall

be revised by multiplying the basic pay of the employee as on 01.01.2006 with the factor 1.86. This in fact, is the ratio laid down by the Hon'ble Supreme Court in a batch of civil appeals. The plea of the applicant is that they have been wrongly placed in the pay scale of Rs.7450-Rs.11500/- instead of Rs.7500-Rs.12000.

6. The grievance is referable to the fixation of pay scales on the basis of 5th CPC recommendations. That in turn, became enforceable in the year 1996. The mistake, if at all, as regards fixation of pay scales has crept in the year 1996. There is nothing on record to disclose that the applicant has ever raised this contention either after the recommendations of the 5th CPC were implemented or before the Anomalies Committee constituted soon after the report of the 6th CPC.

7. At this length of time, the grievance even if genuine, cannot be redressed. The OA is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/