

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16149 of 2014

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Braj Nandan Prasad, Son of Late Karu Prasad, retired as Sr. S.E. (Loco) Sahebganj,
resident of Mohalla - Choto Dautalpur near Shivala, Ward No. 1, P.O. - Jamalpur,
District - Munger (Bihar)

.... Petitioner

Versus

1. The Union of India represented through the General Manager, Eastern Railway,
Fairlie Place, 17 Netaji Subhash Road, Kolkata – 1 (WB)
2. The Chief Personnel Officer, Eastern Railway, Fairlie Place, 17 Netaji Subhash
Road, Kolkata – 1 (WB)
3. The Divisional Railway Manager, Eastern Railway, Malda Division, Malda
Town (WB)
4. The Senior Divisional Personnel Officer, Eastern Railway, Malda Division,
Malda Town (WB)
5. The Senior Divisional Mechanical Engineer, Eastern Railway, Malda Division,
Malda Town (WB)
6. The Divisional Railway Manager, E.C. Railway, Danapur Division, Danapur
(Bihar)

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Amar Nath Jha, Advocate.
For the Respondent/s : Mr. Amit Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 07-04-2016

The challenge in the present Writ Petition is to an order
of the Central Administrative Tribunal, Patna Bench, Patna (for short
“the Tribunal”) dated 30.12.2013 whereby the claim of the petitioner
to treat him as Running Supervisor in Inspectorial Cadre remained

unsuccessful.

2. The petitioner joined on 03.12.1966 as Apprentice Fireman Gr. A. He was promoted as Shunter 'A' in 1974, Driver 'C' on 01.03.1978 and Driver 'B' on 01.06.1981. He was then promoted as Assistant Loco Foreman on 16.11.1982 and Loco Inspector in January 1988. He was further promoted as Loco Foreman Gr. A / Sr. SE (Loco) at Jamalpur and thereafter transferred to Sahebganj as Sr. Section Engineer (Loco) on 20.06.2006 and retired from Railway Service on 31.05.2008. The claim of the petitioner is that he was Supervisor in the Running Inspectorial Cadre and, therefore, he has been deprived of benefit of 30% of additional basic pay in terms of Para 5.5 of Railway Board's letter dated 25.11.1992. Such claim of the petitioner has been declined for the reason that the petitioner was not in the running cadre since he was transferred as Sr. Section Engineer (Loco) at Malda on 16.04.1997 where he continued to work till his retirement in the year 2008.

3. Though the petitioner was Running Supervisor in Inspectorial Cadre, but he was transferred to Malda as Sr. Section Engineer (Loco) in the year 1997. The petitioner did not make any grievance while being posted at Malda in the year 1997 till his retirement in the year 2008. Once the petitioner has not worked as Running Supervisor in the Inspectorial Cadre, therefore, he is not

entitled to additional 30% of the basic pay. Thus, we do not find any error in the order passed by the Tribunal which may warrant interference.

4. Accordingly, the Writ Petition is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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