

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2095/2002

New Delhi, dated 18th day of February, 2003

Hon'ble Shri Justice V.S.Aggarwal, Chairman
Hon'ble Shri A.P. Nagrath, Member(A)

Arjun Singh & 9 others
as per details given in Memo of
parties to the OA

.. Applicants

(Shri G.D.Bhandari, Advocate)

versus

Union of India, through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Railway Manager
Northern Railway
New Delhi
3. Inspector of Works (PG)
Paharganj, New Delhi
4. Divl. Supdt. Engg. (Estate)
Northern Railway
DRM Office, New Delhi
5. Assistant Divl. Engineer
Northern Railway, New Delhi

.. Respondents

(Shri V.S.R.Krishna, Respondents)

ORDER(oral)

Shri A.P. Nagrath

All the ten applicants in this OA were appointed in the respondent-department in the years 1970 to 1973. They claim that they have all along been working as Valvemen but are being paid only Group D pay scale which is presently revised to Rs.2650-4000. By filing this OA, they seek a direction to respondents to grant them the pay scale of Rs.950-1500(RPS)/Rs.3050-4590 from the date of their initial appointment.

2. Applicants have based their case on the relief granted to applicants in OA No.1158/2000 and OA 2238/2001. Applicants in these two OAs were also working as Valvemen and being paid Group D pay scale. Their

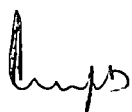
prayer for grant of pay scale of Rs.950-1500 was allowed by the Tribunal. Applicants contend that they are similarly situated persons and, therefore, entitled to the benefit of these aforesaid judgements.

3. Respondents, while denying the claim of the applicants, have stated in their reply that the posts of Valveman are in Group D pay scale and essentially the applicants have been working as Khallasis. While considering their case in pursuance of the directions of this Tribunal in OA 1158/2000 (Pari Ram & Others) feasibility of creating the posts of Valveman in the grade of Rs.3050-4590 was examined but the same has not been found feasible. It has been further stated that there is no justification whatsoever for payment of any higher salary to the applicants who are holding Group D posts.

4. We have heard the learned counsel for the parties. It is not in dispute that the said controversy was considered by this Tribunal in OA 1158/2000 and the OA was allowed. Respondents were directed to pay to the applicants in the pay scale of Rs.950-1050 with arrears with effect from 5.12.1997. There was a further direction to take a decision in the matter for creating adequate number of posts of Valvemen. It is the common case of the parties that the directions of the Tribunal have been complied with by the respondents and applicants in the said OA have been granted the benefit of pay scale of Rs.3050-4590. Following the ratio of this case, two applicants in OA 2238/2001 were also ordered to be granted the same benefit as has been granted to the eight applicants in OA 1158/2000.

5. We have perused the two judgements. It was observed by the Bench in para 6 of the order dated 2.7.2002 in OA 2238/2001 that "it is settled that identically placed persons should be treated alike in such matters without having to agitate their cases before courts and Tribunals". We find that respondents have failed to take note of this observation and the said legal position and did not extend the benefit of the pay scale of Rs.3050-4590 to all identically situated persons i.e. Valvemen. Obviously applicants have been left with no alternative but to seek redressal from this Tribunal. No case has been made out by respondents which would prompt us to take a different view from the one already taken by this Tribunal in the two OAs referred to supra.

6. We, therefore, allow this OA and direct the respondents to consider the claim of applicants and other similarly situated persons for grant of the same benefit which has been granted to applicants in OA 1158/2000. However, the payment of arrears, which become due to the respective applicants as a result of this order, shall be restricted to the period of 38 months anterior to the date of filing of this application. The respondents shall comply with this order within a period of three months from the date of receipt of a certified copy of this order. In the circumstances, we consider it a fit case to impose costs of Rs.2000/- on the respondents. We order accordingly.



(A.P. Nagrath)
Member(A)



(V.S. Aggarwal)
Chairman

/gtv/