

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(11)

OA 2526/2002 with OA 3139/2002
MA 2158/2002 MA 2670/2002

New Delhi, this the 8th day of September, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Sh. S.K.Naik, Member (A)

OA 2526/2002
MA 2158/2002

1. Doman Shah
S/o Sh. Natha Shah
2. Ram Ruch
S/o Sh. Kalkhu
3. Chhajju Ram
S/o Shri Ravati
4. Ram Dutare
S/o Sh. Kalandar

(All are working as Valveman under
Sr. Divisional Engineer Works, TKD
Northern Railway, New Delhi.)

...Applicants

(By Advocate Sh. M.K.Bhardwaj)

V E R S U S

Union of India through

1. The General Manager
Northern Railway, Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway, DRM Office
Paharganj, New Delhi.
3. Assistant Divisional Engineer
Northern Railway, TKD, New Delhi.

...Respondents

(By Advocate Sh. V.S.R.Krishna)

OA 3139/2002
MA 2670/2002

1. Mohd. Hussain
S/o Sh. Ashfaq Hussain
Valveman under IOW, N.Railway
Punjabi Bagh, New Delhi.
R/o 307/11, Railway Colony
Shakur Basti, Delhi.
2. Sant Ram
S/o Sh. Sita Ram
Valveman under IOW, N.R.I.Y.
Punjabi Bagh, New Delhi.
R/o 39-A1, Punjabi Bagh, New Delhi.

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(By Advocate Sh. G.D.Bhandari)

V E R S U S

Union of India : through

1. The General Manager
Northern Railway, Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway, State Entry Road
New Delhi.
3. The Assistant Engineer (Works)
Northern Railway, Punjabi Bagh
New Delhi.

... Respondents

(By Advocate Sh. V.S.R.Krishna)

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, VC (J)

Heard both the learned counsel for the applicants as well as Sh. V.S.R.Krishna, learned counsel for the respondents in the above two OAs.

2. The reliefs prayed for by the applicants who are working as Valveman with the respondents in both the OAs (OA 2526/2002 and OA 3139/2002) are for a direction to the respondents to extend the benefits of the judgement/order of the Tribunal dated 2-7-2001 in Pari Ram & Ors. Vs. UOI & Ors. (OA 1158/2000).

3. Learned counsel for the parties have submitted that the issues raised in the aforesaid two OAs are similar and arise from the same judgement of the Tribunal i.e. judgement in Pari Ram's case (supra) decided on 2-7-2001. Accordingly the two OAs (OA 2526/2002 and OA 3139/2002) are disposed of by a common order.

V - 3/-

4. In Pari Ram's case (supra), the Tribunal had observed that they have found merit in the OA and directed the respondents to pay the applicants in the pay scale of Rs. 950-1500/- (pre-revised) with arrears from 5-12-97, which is also the main claim of the applicants in the present two OAs. Our ~~attention~~ has been drawn to the subsequent orders of the Tribunal i.e. in Udai Singh & Anr. v. UOI & Ors. (OA No.2238/2001 dated 2-7-2002, at Annexure A9 of OA 3139/2002) and in Sushil Kumar & Anr. v. UOI & Ors. (OA No.2813/2001 dated 31-10-2002, at Annexure A-10 of OA 3139/2002) by the Tribunal (Principal Bench). Learned counsel for the applicants have also submitted that the appeal filed by the Union of India against the judgement of the Tribunal dated 2-7-2001 in Pari Ram's case (supra) has been dismissed, although a copy of that order has not been annexed.

5. We have also considered the submissions made by Sh. V.S.R.Krishna, learned counsel for the respondents and perused the reply filed by the respondents.

6. From the relevant facts mentioned in OA 2526/2002 and OA 3139/2002, it appears that the applicants are similarly situated as the applicants in Pari Ram's case (supra), namely, that they were put to work as Valvemen. It is not disputed by the respondents that the Tribunal's order dated 2-7-2001 in Pari Ram's case has been implemented vis-a-vis those applicants, by granting them pay in the pay scale of Rs. 950-1500/- with arrears since 5-12-1997. We further note the submissions of the learned counsel

for the applicants that the appeal filed by the respondents against this order has been rejected by the Hon'ble Delhi High Court. In the circumstances of the case as a Co-ordinate Bench, we see no reason to differ from the subsequent orders by the Division Bench of the Tribunal in OA 2238/2001 and OA 2813/2001 which have extended the benefits given to the eight applicants in OA 1158/2000 to the other applicants. Similarly if the applicants in the present two OAs are similarly situated, we see no reason why the same benefits should not be extended to them also by the respondents.

7. Accordingly the OAs succeed and are allowed. Necessary action shall be taken by the respondents as expeditiously as possible and in any case within three months from the date of receipt of a copy of this order to give similar benefits as given in the above referred to cases to the applicants. No order as to costs.

8. Let a copy of this order be placed in OA 3139/2002.

Naik
(S.K.Naik)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

/vks/