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Central Administrative Tribunal, Principal Bench

Original Application No. 926 of 2002
M.A. No. 735/2002

New Delhi, this the 18th day of April, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S. A. T. Rizvi, Member(A)

1. M. K. Kaushal
S/o Shri Hira Lal, Retd. Guard
Northern Railway, Delhi
r/o Flat No. 1665
Officer Flat
Gulabi Bagh,
Delhi-7
2. Shri S. P. Puri
S/o Shri Retd. Guard
Northern Railway, Ferozepur
r/o H. No. 1032, Sec. 14,
Sonipat-131001
3. Madan Lal Malhotra
S/o Shri Ram Narain, Retd. Guard
Northern Railway
Ferozepur
r/o Flat No. 245/S/FS
Rajouri Apartments
Opposite Press Colony
New Delhi
4. Smt. Pushpa Devi
w/o late Shri Mulk Raj
s/o Bhawani Das
Retd. Guard Northern Railway, Ferozepur
r/o Flat No. 162, Pocket 'E'
Mayur Vihar Ph. II
Delhi-91
5. Ram Prakash
S/o Shri Hira Lal, Retd. Guard
Delhi
r/o H-2, Sector-32
Raj Nagar, Ghazibad
6. Madan Lal Sharma
c/o Dr. B. D. Sharma, Retd. Driver
Delhi
Saharanpur
7. Gopal Singh, Retd. Driver
Northern Railway
Delhi
House No. J-163, Sector-9
Vijay Nagar,
Ghaziabad

- Applicants

(By Advocate: Shri B. S. Mainee)

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Versus

1. The Union of India
through Secretary
Ministry of Railways
Rail Bhawan, New Delhi

2. The General Manager,
Northern Railway, Baroda House,
New Delhi

3. The D.R.M.,
Northern Railway,
New Delhi

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member(A)

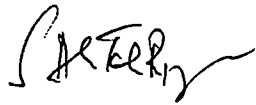
M.A.735/2002 for joining together in a single
O.A., is allowed.

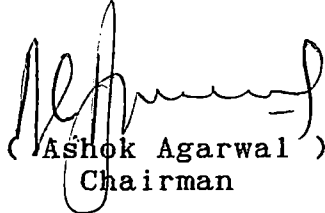
2. The applicants, seven in number in the present
OA, were employed as Guards and Drivers in the railways and
each one of them retired from service prior to 1.1.86.
They are aggrieved by the act of the respondents by which
their pensionary benefits have been reduced in compliance
with the Railway Board's instructions dated 29.12.99
(Annexure A-1) which lays down that "running allowance is
not to be taken into consideration after refixation of pay
on notional basis as on 1.1.86 in terms of DOP&PW's O.M.
dated 10.2.98 circulated vide Railway Board's letter dated
10.3.98."

3. The learned counsel appearing on behalf of the
applicants submits that the aforesaid instructions issued
by the Railway Board were challenged by similarly placed
persons in OA No.2425/2000 which was decided on 22.1.2002
(Annexure A-6) and the Tribunal had, in that case, struck
down the Railway Board's instructions in question and had

directed that the element of 75% of running allowance ~~be~~ be added to the pay notionally fixed as on 1.1.86. After the aforesaid decision had been made, the applicants made representations however, without any response from the railways. That is why, the applicants are before us in this OA.

4. We have considered the submissions made by the learned counsel and having regard to the facts and circumstances of the present case as well as the decision already rendered by this Tribunal in the aforesaid case, we find it just and proper to dispose of this OA at this very stage by directing the respondents to treat the present OA as a representation made on behalf of the applicants and consider the same alongwith such other representations as might have been made by them and pass reasoned and speaking orders thereon expeditiously and in any event within a period of two months from the date of receipt of a copy of this order. O.A. is disposed of in the aforestated terms.


(S.A.T. Rizvi)
Member(A)


(Ashok Agarwal)
Chairman

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