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Central Administrative Tribunal, Principal Bench

Original Application No.2238 of 2001  
M.A.No.1867/2001

New Delhi, this the 2nd day of July, 2002

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

1.Udai Singh  
S/o Shri Behari Lal

2.Mickle,  
S/o Shri Chottey Lal  
Valveman  
working under Sr.Section Engg.(W)  
Northern Railway,  
New Delhi

.... Applicants

(By Advocate: Shri G.D.Bhandari)

Versus

1.Union of India, through  
The General Manager  
Northern Railway,  
Baroda House,New Delhi

2.The Divisional Railway Manager,  
Northern Railway,  
State Entry Road,New Delhi

3.The D.S.E.-III  
Northern Railway,  
DRM's Office  
State Entry Road,New Delhi

4.The Asstt.Divisional Engineer,  
Northern Railway,  
Delhi Division,New Delhi

5.The Sr.Section Engineer (Works)  
Northern Railway,  
Delhi Division,New Delhi

.... Respondents

(By Advocate: Shri R.P.Agarwal)

O R D E R (ORAL)

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

In the case of Pari Ram & ors. (OA No.1158/2000) decided by this Tribunal on 2.7.2001 (Annexure A-13), the applicants who had been working as Valvemen, though actually posted as Khallasis, were granted the benefit of the pay scale of Rs.950-1500 applicable to the post of Valveman and a further direction was given to the

respondents to create adequate number of posts of Valveman in order to accommodate the 8 applicants in that OA.

2. Both the applicants in the present OA are similarly placed persons as the applicants in OA No.1158/2000. Recruited as Khalasi, they have been discharging the duties and responsibilities of Valveman from the very beginning. However the benefit of the pay scale of the post of Valveman has not been granted to them. Accordingly they are before us in the present OA seeking the same relief which has been granted to the applicants in OA No.1158/2000.

3. The learned counsel appearing on behalf of the respondents submits that this Tribunal's order dated 2.7.2001 in OA No.1158/2000 was taken in a contempt petition before this Tribunal but the petition was dismissed. The learned counsel is yet to receive a copy of the dismissal order. He is not able to tell us anything more about the action taken or contemplated by the respondents in respect of the applicants in OA No.1158/2000. The respondents are yet to file a reply in the present case.

4. The learned counsel appearing on behalf of the applicants submits that steps have been initiated by the respondents to comply with the directions of this Tribunal in respect of the applicants in OA No.1158/2000. He places reliance on the document placed at Annexure 'AA' dated 10.8.2001 to show that the names of the 8 applicants in the

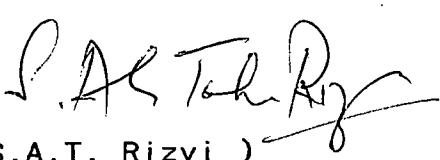
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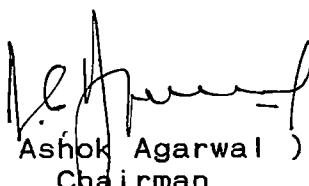
aforesaid OA have already been supplied to the ADEN/NDLS by certifying that they had been performing the duties of Valveman. Alongwith the aforesaid applicants in OA No.1158/2000, the names of four other persons have also been supplied in the same circular vide Annexure 'AA'. These four persons include ~~etc~~ <sup>or b.o.t.</sup> the applicants in the present OA. Thus according to the respondents themselves, applicants have been performing the duties and responsibilities of the post of Valveman. Vide Annexure 'AC', a statement has been prepared for considering the creation of 8 posts of Valveman by surrendering ~~the~~ <sup>new</sup> equal number of posts of Khallasis. What further action has been taken in the matter is not known to the learned counsel appearing on behalf of the applicants. All that can be said however, is that the matter is receiving active consideration in the office of the respondents in-so-far as the 8 applicants in OA No.1158/2000 are concerned. No action appears to have been initiated by the respondents, according to the learned counsel, in respect of the two applicants in the present OA.

5. In the aforesated circumstances, we find that the interests of justice will be duly met by disposing of the present OA at this very stage with a direction to the respondents to deal with the question of grant of pay scale of the post of Valveman to the applicants in the present OA in the same manner in which they decide to deal with the 8 applicants in OA No.1158/2000. Being identically placed and working under the same respondents, it should not be necessary <sup>, according</sup> to us, to make the applicants herein run from

pillar to post for seeking the benefit in question.

6. In the document placed at Annexure 'AA', the names of 12 persons in all have been supplied by stating that they have been working as Valveman though appointed as Khallasis. S/Shri Rampal and Sees Ram who are listed in the aforesaid document at serial no.11 and 12 have presumably not approached this Tribunal so far for seeking the benefit which the two applicants listed at serial no.9 and 10 of the aforesaid document are seeking through this OA. It is settled that identically placed persons should be treated alike in such matters without having to agitate their cases before courts and Tribunals. In view of this, we find it in order further to direct the respondents to consider the claims of aforesaid S/Shri Rampal and Sees Ram as well for granting the same benefits which they are likely to grant to the 8 applicants in OA No.1158/2000. It is needless to add that the respondents will proceed in the matter as expeditiously as possible. O.A. is disposed of in the aforesated terms.

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

  
( Ashok Agarwal )  
Chairman

/dkm/