

Central Administrative Tribunal, Principal Bench

Original Application No.2970 of 2001

New Delhi, this the 31st day of October, 2001

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

Shri R.S.Sharma,  
Retired C.M.I.  
R/o WZ-113, Raja Tailors  
Sadh Nagar, Palam Colony  
New Delhi-45

- Applicant

(By Advocate: Shri N.Ranganatha Swamy)

Versus

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

2. The General Manager  
Western Railway,  
Churchgate, Mumbai

- Respondents

O R D E R (ORAL)

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

Applicant who was initially appointed in the Western Railway, shifted in due course to the Railway Board on deputation and continued to work in the Board on deputation. He retired on 31.8.92. His grievance is that the financial benefits extended to his juniors in the Western Railway by way of promotion etc., were not extended to him during his period of deputation in the Railway Board. Accordingly, he approached this Tribunal in OA No.2219/97 which disposed of the aforesaid OA on 18.8.2000 in the following terms:

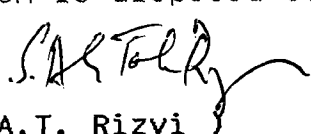
"Accordingly, we allow the application and direct the respondent to calculate his actual benefits of the promotional posts and make payment to the applicant w.e.f. the date his juniors were promoted under the Next Below Rule. He is also entitled to all consequential benefits including retiral benefits."

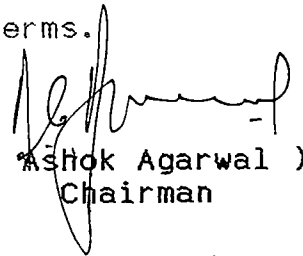
2. In compliance of the aforesaid order, the respondent authority has issued a letter on 14.2.2001 by which certain benefits have been extended to the applicant. The learned counsel appearing on behalf of the applicant submits that the order passed by the Tribunal has not been complied with in toto. He has drawn our attention in this regard to the aforesaid letter dated 14.2.2001. We have perused the same and find that it contains a categorical statement to the effect that "all benefits which were given to Shri Mathur, are being given to Shri Sharma. This has been verified under the N.B.R. and by Divisional Accounts Officer, Ajmer."

3. Notwithstanding the aforesaid certificate, the learned counsel submits that even though financial benefits have been given to the applicant in respect of the posts of Senior Clerk and Head Clerk, the same has not been extended in respect of the post of Office Superintendent (in short 'OS'). He was promoted as O.S. on 22.1.92 and by following the relevant fundamental rule, his pay in the pay grade of Rs.2000-3200 applicable to the post of O.S. should have been fixed, according to him, at the level of Rs.2240/-. But the same has been fixed by the respondent authority at the level of Rs.2060/-. In this view of the matter, the learned counsel argues that the order passed by this Tribunal has not been complied with completely. He made a representation in the matter on 22.11.2000 which has been rejected by the respondent authority on 24.4.2001. A perusal of the same does not reveal as to how the respondent authority has proceeded to fix the applicant's

pay in the post of O.S. To this extent, the aforesaid order dated 24.4.2001 cannot be said to be a speaking and a reasoned order.

4. Having regard to the submissions made by the learned counsel and the facts stated above, we find that the interests of justice will be duly met in the present case by directing the respondent authority at this very stage even without issuing notices to re-examine the matter in the light of the observations made above and by having regard to such other submissions as might be made by the applicant in a fresh representation to be filed and pass a reasoned and a speaking order. The applicant herein is accordingly directed to file a fresh representation if he is so advised, within a period of four weeks from today. The respondent authority will consider the same together with the observations made in this order and pass a speaking and a reasoned order within a period of two months from the date of receipt of the applicant's representation. The OA is disposed of in the aforestated terms.

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

  
( Ashok Agarwal )  
Chairman

/dkm/