

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 430/2001
IN
OA 298/1999

26

New Delhi, this the 7th day of November, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri Govindan S.Tampi, Member (A)

1. Binod Kumar
S/o Shri Ram Kishan
Working as part time safaiwala
Northern Railway Station, Bhawani Kheda
Distt. Bhiwani (Haryana).

2. Sanjay Kumar
S/o Shri Mahavir
Working as part time safaiwala
Northern Railway Station, Jeeta Kheda
Distt. Bhiwani (Haryana).

...Applicants

(By Advocate Shri Yogesh Sharma)

V E R S U S

1. Shri S.Dashrathi
General Manager
Northern Railway, Baroda House
New Delhi.

2. Shri L.C.Majumdar
Divisional Railway Manager
Northern Railway, Bikaner Division,
Bikaner.

...Respondents

(By Advocate Shri R.L.Dhawan)
Shri L.C.Majumdar, DRM, Bikaner Division.
- respondent No.2.

O R D E R (ORAL)

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

We have heard both the learned counsel for the parties in CP and have perused the reply filed by the respondents dated 7-11-2001.

2. We have also heard Shri L.C.Majumdar, DRM, Bikaner Division who has submitted his unconditional apology for the delay in implementing the Tribunal's order. According to the learned counsel for the respondents, a copy of the CP notice with CP was not

V.S.

received by the respondents which also contributed to the delay in implementation of the order dated 25-7-2000 in OA 298/1999.

27

3. We note from the averments given in the aforesaid reply, inter alia, that the Headquarters' office vide their letter dated 1-11-2001 had informed the concerned Divisions regarding the matter of enhancement of payment of remuneration to the part-time Safaiwalas in the Bikaner Division from Rs. 75/- to Rs. 500/- per month in terms of the judgement of the Tribunal dated 25-7-2000. We, however, note that the DRM's office Bikaner Division vide its letter dated 8-11-1996 (Annexure A-1 of the OA) ^{had} taken a decision to enhance the wages of part-time Safaiwalas but by a subsequent letter dated 16-1-1997, the decision was kept in abeyance till the receipt of the decision of the Headquarters' office. Finally, the OA has been filed in February, 1999.

4. We note that the respondents have now taken a decision in pursuance of the aforesaid order of the Tribunal dated 25-7-2000 to enhance the wages of part-time Safaiwalas in Bikaner Division from Rs. 75/- to Rs. 500/- per month with effect from the date of the judgement i.e. 25-7-2000 in case of the petitioners. Taking into account the facts and circumstances of the case, the decision of the respondents to give effect to their own decision taken earlier in 1999 only with effect from the date of the judgement would, therefore, not appear to be either reasonable or sustainable. This decision should have been taken by them way back ~~in~~ 1999. In the

18.

28

circumstances of the case and noting the actions and decisions taken by the respondents themselves to enhance the wages of part-time Safaiwalas in the Bikaner Division, to which the applicants belong, it would have been reasonable to expect that they would have taken the decision atleast w.e.f. 1-3-1999. We have also heard the learned counsel for the parties on this point.

5. In view of what has been stated above, CP 430/2001 is disposed of with a direction to respondent No.2, who is present in Court, to give the benefits of the enhancement of wages to the applicants in this OA from Rs. 75/- to Rs.500/- per month w.e.f. 1-3-1999. Consequential arrears of wages shall be arranged to be paid to the applicants within two months from the date of receipt of a copy of this order. CP 430/2001 is accordingly disposed of. Notices to the alleged contemnors are discharged. File to be consigned to the Record Room.

(GOVINDAN S. TAMPI)
MEMBER (A)

(SMT. LAKSHMI SWAMINATHAN)
VICE-CHAIRMAN (J)

/vikas/