

Central Administrative Tribunal, Principal Bench

Original Application No. 2026 of 1998

New Delhi, this the 15th day of November, 2000

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)
Hon'ble Mr.V.K.Majotra, Member (A)

1. Nand Kishore S/o Sh Jaswant Rai, R/o 413, Kashmiri Bagh, Kishanganj, Delhi. Working as Greaser, C/o Chief Electrical Foreman, Train Lighting, Delhi Division, Northern Railway, New Delhi.
2. Salik Ram S/o Sh. Bahraichi, R/o 338-C, Railway Colony, Arya Nagar, Ghaziabad (U.P.). Working as Greaser in Delhi Division, New Delhi.
3. Virender Kumar, S/o Sh Mangal Sain, R/o 383/3, East Azad Nagar, Delhi. Working as Greaser in Delhi Division, New Delhi. - Applicants

(By Advocate - None)

Versus

1. Union of India through the Secretary, Ministry of Railways (Rly. Board), New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. The Divl. Railway Manager, Delhi Division, Northern Railway, New Delhi. - Respondents

(By Advocate Shri B.S.Jain)

ORDER (Oral)By Mrs. Lakshmi Swaminathan, Member(J)-

None is present for the applicants even on the second call. This O.A. was listed at serial no.8 under regular matters in today's cause list. Accordingly, we have perused the pleadings and heard Shri B.S.Jain, learned counsel for the respondents.

2. The main relief claimed by the three applicants in this case is as follows:-

"8(i)....to direct the respondents to fully implement the Railway Board's order dt.4-8-86 at Annexure A.III in respect of Greasers on the Delhi Division by granting from 1-1-84 emoluments in Grade I Rs.1320-2040(RPS) to the seniormost 16 persons and in Grade-II Rs.1200-1800 (RPS) to the rest, with all consequential benefits".

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As seen from Annexure-A-VI, which is a copy of Tribunal's order dated 15.4.1997 in OA 2439/96, this is the second round of litigation by the same applicants. In that OA also, the applicants have sought direction to the respondents to fully implement the Railway Board's order dated 4.8.1986 in respect of ^{the} category of posts of Greasers in Delhi Division by granting them revised Grade-I and Grade-II. The applicants in the present OA are claiming the same relief, namely, to fully implement the Railway Board's order dated 4.8.1986. The Tribunal in OA 2439/96 had directed the respondents to consider the representation of the applicants dated 21.3.1995 on merits and give a reply to them by a reasoned and speaking order. The Tribunal has further observed as follows:-

"We also make it clear that on the basis of the reply given to the applicants by the respondents, the applicants cannot raise the same issue and if and when such an application is filed, it is open to the respondents to again raise this objection on grounds of limitation."

In pursuance of the aforesaid directions of the Tribunal dated 15.4.1997, the representation of the applicants dated 21.3.1995 has been duly considered by the respondents. A copy of the order passed by the respondents dated 28.10.1997 to the representation made by the applicants has been filed by the applicants and placed at Annexure-A-II. We have carefully perused that order and find that cogent reasons have been given by the respondents for their action, which does not justify any interference in the matter at this stage, particularly having regard to the earlier order passed by the Tribunal dated 15.4.1997. From the relief prayed

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by the applicants referred to in Para 1 above, it is clear that they are merely re-agitating the same issues that have already been dealt with by the Tribunal's order dated 15.4.1997 in OA 2439/96. As already mentioned above, we also find no good grounds to justify any interference in the matter.

3. Having regard to the order passed by the respondents dated 28.10.1997 and for the reasons given above, we find no merit in the O.A., which is also barred by limitation. The OA is accordingly dismissed. No order as to costs.

V.K.Majotra

(V.K.Majotra)
Member (A)

Lakshmi Swaminathan

(Mrs.Lakshmi Swaminathan)
Member (J)

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