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Central Administrative Tribunal  
Principal Bench

O.A. 2209/98

New Delhi this the 11 th day of May, 2000

Hon'ble Shri S.R. Adige, Vice Chairman (A).  
Hon'ble Smt. Lakshmi Swaminathan, Member(J).

1. Rai Singh,  
S/o Shri Vakil Singh,
2. Shri Badri Singh,  
S/o Shri Tej Singh,
3. Shri Madhwa Nand,  
S/o Shri Durga Dutt.
4. Shri Ram Prasad,  
S/o Shri Ballah.
5. Shri Ram Prasad,  
S/o Shri Chhangoor.

... Applicants.

(All working as Khalasi Helper in  
the office of Dy. Chief Engineer/  
BR/Line, Northern Railway, Lajpat  
Nagar, New Delhi).

(By Advocate Shri P.M. Ahlawat)

Versus

Union of India through

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi-110001.
2. The Chief Bridge Engineer,  
Northern Railway,  
Baroda House, New Delhi.
3. The Dy. Chief Engineer/BR/Line,  
Northern Railway,  
Lajpat Nagar, New Delhi.

... Respondents.

(By Advocate Shri B.S. Jain)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicants have filed this application stating  
that they are aggrieved by the order which is actually the  
minutes of the meeting held on 5.10.1998 by the officers of  
the respondents with certain trade unions.

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2. The brief facts of the case are that the applicants were initially appointed as casual labourers in 1975, 1976 and 1978. They were regularised as Khalasis in 1989 and promoted in the grade w.e.f. 1.1.1984. According to them, their pay was revised to Rs.2650-4000 provisionally as per extant rules and they were paid accordingly upto 1998. The respondents had undertaken the exercise of restructuring in the cadre of Khalasis w.e.f. 1.1.1984 as per the Scheme announced by them. The applicants have submitted that they were eligible for proforma promotion w.e.f. 1.8.1978 against 50% upgraded posts or from the date of promotion of their juniors with effect from that date, but the respondents are re-determining their fixation wrongly w.e.f. 1.1.1995. They have stated that the respondents should give them the benefit of proforma promotion w.e.f. 1.8.1978 and their pay should be accordingly revised. Shri P.M. Ahlawat, learned counsel for the applicants, has relied on the judgement of the Tribunal (SB) in Shiv Dayal & Ors. Vs. G.M. Northern Railway and Ors. (O.A.755/95), decided on 8.2.1996, and has contended that the respondents be restrained from making any recovery from the payments made to the applicants. He has also prayed that as a result of the restructuring in the cadre to which the applicants belong, they are entitled for promotion as Khalasi Helpers w.e.f. 1.8.1978 against the upgraded posts and also entitled for refixation of pay from that date with revised pay in the grade of Rs.2650-4000 w.e.f. 1.1.1996 with arrears.

3. We have seen the reply filed by the respondents. They have submitted that the impugned Annexure A-I order dated 5.10.1998 is not addressed to the applicants and as such there

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are no impugned orders as these are the minutes of the meeting with certain Railway Unions like NRMU or URMU. They have also submitted that the applicants have given an undertaking that as a result of incorrect fixation of pay or any excess payment detected in the light of the discrepancies noticed subsequently, the same will be refunded either by way of adjustment against future payment due to them or otherwise. They have also submitted that the application is barred by time as the applicants are seeking promotions w.e.f. 1.8.1978 or 1.1.1984 with consequential benefits. Shri B.S. Jain, learned counsel for the respondents, has relied on the judgement of the Tribunal in **Ved Prakash & Ors. Vs. Union of India & Ors.** (OA 2115/98), decided on 20.1.2000 (copy placed on record). He has submitted that the facts and issues raised in the present O.A. are identical to those that were raised in **Ved Prakash's case** (supra) and the claims of the applicants had been dismissed by the Tribunal.

4. On consideration of the facts and issues raised in the present O.A. and in **Ved Prakash's case** (supra) in which one of us (Smt. Lakshmi Swaminathan, Member(J)) was a Member, we find that the subject matter in the two cases is identical. In the present case also, the respondents have stated that the applicants have given an undertaking that they would refund the excess payments made, if any, which can be recovered by the respondents on detailed examination of the provisional fixation of their pay. In the facts and circumstances of the case, therefore, the reliance placed by the learned counsel for the applicants on the order of the Tribunal in **Shiv Dayal's case** (supra) will not assist him as no such undertaking has been referred to in that case. However, the reasons given in **Ved Prakash's case** (supra) are fully

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applicable to the facts and circumstances of the present case. Accordingly, following that order of the Tribunal dated 20.1.2000, this O.A. is also dismissed. No order as to costs.

*Lakshmi Swaminathan*

(Smt. Lakshmi Swaminathan)  
Member(J)

*S.R. Adige*

( S.R. Adige )  
Vice Chairman(A)

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