

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

O.A. No.283/1997

New Delhi, this the 28th day of February, 1997.

Hon'ble Mr. Justice K.M. Agarwal, Chairman

Hon'ble Mr. S.R. Adige, Member (A).

1. All India Loco Running Staff Association (Regn. No.19073) through its Joint Secretary General Shri Joginder Singh S/o Shri Kartar Singh resident of V-204, Anupam Apartments, Arjun Nagar, Delhi.
2. Shri Har Charan Singh, Retd. Driver S/o Shri Surjan Singh c/o Yashpal Gupta Shakti Nagar, Kapurthala (Punjab)

.....Applicants

(By Senior Advocate Shri A.K. Srivastava with Shri Mahesh Srivastava, counsel)

Versus

1. Union of India through its General Manager Northern Railway, Baroda House, New Delhi.
2. The Chairman, Railway Board, Rail Bhawan, New Delhi.

.....Respondents

ORDER

Shri Justice K.M. Agarwal:

Heard the learned counsel for the applicants on admission on 27.2.1997.

By this Application under Section 19 of the Administrative Tribunals Act, 1985, the applicants want implementation of Supreme Court judgement dated 5.8.1993 - UNION OF INDIA AND OTHERS Vs. R. REDDAPPA AND ANOTHER - reported in (1993) 4 SCC 269 in the manner interpreted by them after quashing the order dated 20.6.1994 of the Ministry of Railways (Annexure 'A').

2. It is not disputed that about 800 railway employees were dismissed under Rule 14 (ii) of Railway Servants (Discipline and Appeal) Rules for participating in the Loco Running Staff Association strike in January, 1981. The applicants were among them. The dismissal order of the employees was quashed by the Tribunal which was upheld in appeal by the Supreme Court. In the said case, inter alia,

(b)

the Supreme Court directed that the employees should be paid compensation equivalent to three years pay inclusive of dearness allowance on the scale of pay prevalent in the year of the judgment. It is not disputed that the applicants were reinstated and three years' pay was paid to them but while paying the arrears of pay, they were not given HRA or CCA. Similarly, as per the decision of the Supreme Court the benefit was ^{made to} available to the retired employees and to the heirs of the dead employees with a direction that without entitlement to promotional benefits, notional continuity of service for the period of absence should be given to the employees including the retired and dead ones for calculating the pensionary benefits. This also has been given by the Railways but some of the employees and the applicants feel that the relief given to the employees by the Railways was not complete relief as available to them under the decision of the Supreme Court but that was only partial in nature according to their own interpretation which was not accepted by the respondents. Now, by this Application, the applicants want us to interpret the decision of the Supreme Court in the manner they are interpreting and then to make further directions accordingly.

3. On being questioned how we have jurisdiction to interpret the decision of the Supreme Court, the learned counsel cited three decisions of the Supreme Court, in ASSISTANT COLLECTOR OF CENTRAL EXCISE Vs. DUNLOP INDIA LTD. ((1985) 1 SCC 260); HARBANS LAL Vs. M.L. WADHAWAN & OTHERS ((1987) 1 SCC 151), and SPENCER & COMPANY LTD. AND ANOTHER Vs. VISHWADARSHAN DISTRIBUTORS PVT. LTD. AND OTHERS ((1995) 1 SCC 259) and submitted that the decisions of the Supreme Court have binding nature and all courts and tribunals are bound to follow those principles. We do not dispute the correctness of this argument, ^{but} and it was not an answer to our question. According to the learned counsel, salary include H.R.A and CCA but according to the respondents, as it appears from the impugned order, salary does not include H.R.A. and CCA. Under the circumstances, we are of the view that we cannot embark upon an inquiry and hold that H.R.A. and CCA formed ^{part} of salary or ~~does~~ not form ^{part} of salary as per the decision of the Supreme Court in the case of R. REDDAPPA AND ANOTHER (ibid). According to us, if there is need for any clarification in this regard, the proper course open to the applicants is to move the Supreme Court in that regard.

(5)

4. For the foregoing reasons, we find no substance in this Application and accordingly it is hereby summarily dismissed.

Km
(K.M.AGARWAL)
CHAIRMAN

Antalige
(S.R. ADIGE)
MEMBER (A)