

Central Administrative Tribunal, Principal Bench

Original Application No. 1699 of 2000  
M.A. No. 2086/2000

New Delhi, this the 27th day of January, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. Shankar Prasad, Member (A)

S/Shri

1. Ashok Kumar  
S/o Shri Badri Parshad  
R/o 16E/1165, Tank Road  
Khalsa Nagar, Karol Bagh,  
New Delhi-8
2. J.N. Verma,  
S/o Shri Badri Vishal  
R/o Rly. Colony,  
Ghaziabad
3. H.S. Verma,  
S/o Shri Gulab Rai  
R/o 98A, Naya Bazar,  
Rly. Colony, Delhi
4. Brij Mohan,  
S/o Shri A.R. Anand,  
R/o 20B/98B, Tilak Nagar,  
New Delhi-18
5. Chander Mohan  
S/o Shri Ram Lal  
R/o 125, Arya Nagar,  
GZB
6. Narendra Kumar  
S/o Shri
7. K.K. Vishkarma,  
S/o Shri B.N. Mistry,  
R/o 648, Rest Comp. Colony,  
Tundla
8. Parhlad Sonker,  
S/o Shri Beni Madhav  
R/o 301/F, New Colony,  
Tundla
9. Y.C. Chaturvedi,  
S/o Shri Ramadhar Chaturvedi,  
98-A, Rly. Colony,  
Hathras.
10. K.K. Sharma  
S/o Shri Pratap Bhan,  
98B, Rly. Colony,  
Hathras Jnc.
11. Sunil Kumar,  
S/o Shri Bhagwan Ballabh,  
Qr. 31-K, Rly. Colony,  
Dadri

12. Ishtyak Ahmad  
S/o Shri Siddiq Ahmad  
276, Rly. Colony,  
Badar Bagh,  
Aligarh.
13. Shiv Parshad  
S/o Shri Jangi Lal,  
89/1, Rly. Colony,  
Khurja
14. Tarsem Kumar,  
S/o Shri Amar Nath,  
238-A, Badar Bagh Rly. Colony,  
Aligarh.
15. Tilak Chand Kureel,  
S/o Shri Bali Ram,  
547/E, Rest Camp,  
Rly. Colony, Tundla

....Applicants

(By Advocate: Mrs. Meenu Mainee)

Versus

1. Union of India  
Through: The Secretary  
Ministry of Railways  
(Railway Board)  
Rail Bhavan, Raisina Road,  
New Delhi
2. The General Manager,  
Northern Railway,  
Baroda House, New Delhi.
3. The Divisional Rly. Manager,  
Northern Railway,  
State Entry Road, New Delhi.
4. The Divisional Rly. Manager,  
Northern Railway,  
Allahabad.

....Respondents

(By Advocate: Shri R.L. Dhawan, for respondents 1 to 3  
Shri Rajinder Khatter, for respondent 4)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By virtue of the present application, the applicant Ashok Kumar and others who are Tower Drivers in the Northern Railway in Delhi Division and Allahabad Division, seek parity of pay and scale as has been given to Goods Driver i.e. Rs. 5000-8000.

*MS Agg*

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2. Needless to state that the application is being contested on various grounds.

3. We are not dwelling into the detailed controversy because our attention has been drawn towards the decision of a Co-ordinate Bench at Calcutta in O.A.1059/2001 decided on 7.8.2002. Certain similarly situated Tower Drivers of the eastern railway had claimed parity of pay and scale as Goods Driver before the Central Administrative Tribunal Bench at Calcutta. In the above said matter, the Calcutta Bench of this Tribunal had allowed the application.

4. It is not in dispute that the decision of the Calcutta Bench in the earlier matter namely Jagdish Pandey & ors. vs. Union of India (O.A.321/2001) decided on 18.1.2002 has been challenged by the respondents before the High Court of Judicature at Calcutta.

5. In the facts and circumstances, when the decision of this Tribunal had already been given and the same cannot be set aside by a Co-ordinate Bench or even a Larger Bench of this Tribunal, it would be in the fitness of things to maintain parity of reasoning. Accordingly we allow the present application and direct that in terms of the decision of the Calcutta Bench of this Tribunal, the applicants would be entitled to the pay scale of Goods Driver i.e. Rs.5000-8000 with consequential benefits. However we make it clear that this is subject to the decision of the Calcutta High Court in which the decision

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of this Tribunal (Calcutta Bench) has been challenged. In case the Calcutta High Court had stayed the operation of the judgement of the Tribunal referred to above, the payment of arrears, if any, would also be deferred.

*Shankar Prasad*  
(Shankar Prasad)  
Member (A)

*V.S. Aggarwal*  
(V.S. Aggarwal)  
Chairman

/dkm/