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Central Administrative Tribunal
Principal Bench

O.A. No. 1713/2000

Decided on 25.9.2001

Mrs. Suman Lata Aggarwal

... Applicant

(By Advocate: Shri D.S. Mahendru

Versus

Union of India

... Respondents

(By Advocate: Shri P.M. Ahlawat)

CORAM

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

Hon'ble Dr. A. Vedavalli, Member (J)

1. To be referred to the Reporter or Not? YES
2. Whether to be circulated to other outlying benches of the Tribunal or not? NO

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

Central Administrative Tribunal
Principal Bench

O.A. No. 1713 of 2000

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New Delhi, dated this the 25th September 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Smt. Suman Lata Aggarwal,
W/o Shri D.L. Aggarwal,
Sr. Commercial Inspector,
under Chief Claim Officer,
Office of the General Manager,
Northern Railway,
Baroda House, New Delhi.

R/o Flat No. 2, Vikas Apartments,
Plot No. 34/1, East Punjabi Bagh,
New Delhi-110026.

.. Applicant

(By Advocate: Shri D.S. Mahendru)

Versus

Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.

.. Respondent

(By Advocate: Shri P.M. Ahlawat)

ORDER

S.R. ADIGE, VC (A)

Heard both sides.

2. Applicant has not denied in rejoinder, the specific averment of respondents in their reply that she did not exercise her option to get her pay refixed from 1.1.86 within the period of 6 months, prescribed in Railway Board's letter dated 5.5.95, which was circulated on 18.5.95 and again on 13.9.95 and 10.10.95, & she gave her option only on 7.7.96. However, this has resulted in persons appointed on the same date as her, and who have all along been treated as junior to her, drawing more pay than her,

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vide Para 4.4 of the O.A. which has not been denied by respondents in the corresponding para of their reply.

3. Therefore, in view of the particular facts and circumstances of this case, which shall not be treated as a precedent, this O.A. succeeds and is allowed to the extent that the impugned order dated 7.8.99 (Ann.A-1) is quashed and set aside. Respondents should extend the benefit of Railway Board's letter dated 5.5.95 to applicant w.e.f. 1.1.86 with consequential benefits including payment of arrears within three months from the date of receipt of a copy of this order. Claim for interest is rejected. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

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

karthik