

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.259/2020 with MA No.249/2020

This the 01st day of September, 2020

**Coram : Hon'ble Shri J.V.Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Shri B.G.P.M. Kumar
(Bunyan Gideon Prakash Mani Kumar)
S/o. Bunyan Azariah
Age : 53 years,
Working as TLC/HQ-CCG lien at BRC
Residing at : 79/9, Western Railway Quarter,
Matunga Road (E), Mumbai 400 019.
Permanent Address : Jaitun Building,
B\h. Kalyan Cafe, Fatehunj,
Vadodara 390 002. Applicant

(By Advocate : Ms. S.S.Chaturvedi)

VERSUS

1. Union of India,
Notice to be served through
The General Manager,
Western Railway, Churchgate,
Mumbai 400 020.
2. The Divisional Railway Manager (E)
Western Railway, Pratapnagar,
Vadodara – 390 004. **Respondents**

(By Advocate : Shri M.J.Patel)

O R D E R – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the instant OA, the main grievance raised by the applicant to the effect that the applicant was working as Traction Loco Controller on deputation since 2003. The respondents had granted the benefits of

2.12 multiplying factor while preparing pay fixation of his junior. However, the applicant had been treated as working on stationary post on substantive basis and not made pay fixation of 2.12 multiplier factor as mentioned in the VIth Pay Commission and deprived the applicant for such benefits.

2. It is the case of the applicant that his claim is required to be considered in terms of REB No.174/2009 issued on 23.9.2009. Though the applicant had filed detailed representation dated 04.01.2019, the same has not been considered till date. It is further contended that similarly placed officials had filed one OA No.290/2013 which was decided by this Tribunal on 21.07.2014, wherein the respondents were directed to revise the pay fixation of that applicant so to ensure parity with their juniors, who were working as Loco Pilot as on 01.01.2006. The said order was affirmed by the Hon'ble High Court of Gujarat in SCA No.16569/2014 decided on 01.12.2014. Therefore, the counsel for the applicant submits that the applicant's claim is required to be considered by the respondents without any further delay. It is further submitted that the applicant will be satisfied, if appropriate direction be issued to the respondents for early disposal of his pending representation.

3. On the otherhand, Shri M.J.Patel learned standing counsel for the Railways appears on receipt of advance copy of this OA. He fairly submits that the representation of the applicant was forwarded to the

Headquarter Office, Mumbai and for further consideration, the same was forwarded to the DRM(E) Vadodara vide letter dated 11.01.2019. He submits that if representation is yet not decided, the same will be decided expeditiously.

4. Considering the aforesaid submission made on behalf of the parties, we dispose of this OA with a direction to the respondent No.2 to consider and decide the representation of the applicant dated 04.1.2019 in accordance with the instructions/ guidelines issued under the RBE No.174/2009 and extant rules within period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the OA stands disposed of. In view of the disposal of the OA, MA No.249/2020 also stands disposed of. No order as to costs.

**(A.K.Dubey)
Member (A)**

**(J.V.Bhairavia)
Member (J)**

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