

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/00641/2015

Dated this Tuesday, the 03rd day of March, 2020

**CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N.SINGH, MEMBER (J)**

1. PRADIPKUMAR R. AHIRE, (son of Ratan Ahire),
(Date of Birth: 04.07.1969, Age: 46 years),
working as: CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai 400001, and residing at: 6/606, Sarvodaya Garden,
Near Bhanusagar, Kalyan (West), District Thane,
State of Maharashtra-421301.
2. MUNNILAL RAM, (son of RAM DENI RAM),
(Date of Birth: 02.02.1965, Age: 50 years),
working as : CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai 400001, and residing at: 203, B-Wing,
Shubhsangam, Katrap, Badalapur(East),
State of Maharashtra, Pin 421 503.
3. YOGESH NARAYAN KORE,
(son of NARAYAN GOVIND KORE),
(Date of Birth: 26.04.1970, Age: 45 years),
working as : CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway, Mumbai
400001, and residing at: B/106, First Floor, Vidyanand CHS,
Borivali (East), Mumbai 400066,
State of Maharashtra, Pin 421 503.
4. SURESH PADAMSING PARDESHI,
(son of PADAMSING P. PARDESHI),
(Date of Birth: 06.07.1971, Age: 44 years),
working as CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai 400001, and B/003, Ground Floor, Jai Dhanshree CHS,
Dombivali, Vishnu Nagar, Nar Ragai Mata Mandir, Kalyan,
Thane, State of Maharashtra, Pin Code : 421 202.
5. H. R. SAROJ, (son of Ram Deo Saroj),
(Date of Birth: 03.11.1962, Age: 53 years),
working as CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai 400001, and residing at: Railway
Quarter NO.MS/RBI-I/239/36, New Building, Thakurli (West),
District : Thane, State of Maharashtra. 421201.

6. MAHENDRA RAJARAM NIKUMBH,
(son of RAJARAM RUPLA NIKUMBH),
(Date of Birth: 06.08.1968, Age: 48 years),
working as CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai 400001, and residing at: 101, First Floor, Arham Pride,
Plot No.249, Konsai, Ambarnath (East), District : Thane,
State of Maharashtra 421 501.
7. DHAMMPRAKASH VINAYAK SALVE,
(son of VINAYAK DHONDIRAM SALVE),
(Date of Birth: 16.05.1966, Age: 49 years),
working as CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai 400001, and residing at: 110, 3RD Floor,
Mittal Apartment CHS, Kalyan, Post : Kalyan,
Santoshi Mata Road, Chikhale Baug, Kalyan, District : Thane,
State of Maharashtra Pin Code 423 106.
8. VASANT MARUTI KAMBLE,
(son of MARUTI PRADHAN KAMBLE),
(Date of Birth: 10.05.1956, Age: 59 years),
working as : CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai.- 400001, and residing at:302 "A" Wing, IIIrd Floor,
Om Gajanan Park, Kalyan (East), Hanuman Nagar,
Katemanveli, Pawshe Road, Kalyan, Thane,
State of Maharashtra- 421 306.
9. CHANDRA MOLESHWAR DAS,
(son of LATE SHRI RADHA MAHARA),
(Date of Birth: 08.07.1966, Age: 49 years),
working as : CHIEF LOCO INSPECTOR,
(Group "C" Post), under Sr. D.E.E. /OP, DRM's Office,
Central Railway, Mumbai- 400001, and residing at: F-101,
1ST Floor, Railway Quarter, Murbad Road, Kalyan (West),
Opp. Dutta Mandir, Kalyan, District : Thane,
State of Maharashtra, Pin 421 301.
10. SANTOSH RAMAOTAR KASHIKAR,
(son of RAMAOTAR MALADHAR KASHIKAR),
(Date of Birth: 02.11.1959, Age: 56 years),
working as : CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Annex Building, Mumbai 400001, and residing at: 7, 1st Floor,
Harinam Co-op. Hsg. Soc. Kalyan, Medhekar Wadi, Waldhuni,
Kalyan, District : Thane, State of Maharashtra, Pin 421 301.
11. P. N. ZANZAD, (son of N.G. ZANZAD),
(Date of Birth: 20.01.1962, Age: 53 years),
working as : CHIEF LOCO INSPECTOR, (Group "C" Post),

under Sr. D.E.E. /OP, DRM's Office, Central Railway, Mumbai 400001, and residing at: 202, Second Floor, OM Bhaskar CHS, Near Aanand Wadi, Police Chowki, Katemanivali, Kalyan (East), District : Thane, State of Maharashtra, Pin 421 306.

12. SUNIL BABU MANE, (son of Babu Mahadev Mane),
(Date of Birth: 01.06.1969, Age: 46 years),
working as : CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai 400001, and residing at: 680, Near Municipal School
No.54, Patlipada, Sandoz Baug, Thane, District : Thane,
State of Maharashtra, Pin 400 607.
13. SHASHIKANT SHAMRAO KAMBLE,
(son of Shamrao Dhondiba Kamble),
(Date of Birth: 09.08.1964, Age: 51 years),
working as : CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai- 400001 working at Kalyan (Mumbai Division) and
residing at: F/6-401, 4th Floor, Riverwood, Panvelkar
Green City, Vadavali (Morivali Pada), Ambernath,
District : Thane, State of Maharashtra, Pin 421 501.
14. JAGDISH SINGH KARDAM,
(son of Late Shri Mahipal Singh),
(Date of Birth: 10.11.1968, Age: 47 years),
working as : CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai- 400001, and residing at: A-17, 4th Floor,
Barkale Palace, J.J. Road, Byculla, Mumbai 400008,
State of Maharashtra.
15. A. KENNADY, son of Annamalai, date of birth : 20.03.1961,
working as : CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai 400001, and residing at : M/s RB-III 113/07,
Central Railway Officers Quarters, Op. Potdar College,
Matunga (East), Mumbai 400019, State of Maharashtra.
16. AJAY NAMDEO SHEKOKAR, son of
Namdeo T. Shekokar, date of birth: 14.01.1970,
CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,
Mumbai 400001 and residing at : F-2/28, Railway Colony,
Parel, Mumbai 400012, State of Maharashtra.
- 16A. SHRI M.S. RAJU, (son of M. Servaikaran),
date of birth: 05.02.1961 (age:55 years),
CHIEF LOCO INSPECTOR, (Group "C"Post),
under Sr. D.E.E. /OP, DRM's Office, Central Railway,

Mumbai 400001 and residing at 504, 5th Floor,
Neel Castle CHS, New Panvel, District: Raigad,
State of Railway Colony, Pin Code-410206, Maharashtra.

17. GANESH KASHINATH GULVE,
(son of KASHINATH MADHU GULVE),
(Date of Birth: 02.06.1956, Age: 60 years),
working as : CHIEF LOCO INSPECTOR,
(Group "C" Post), under Sr. D.M.E. (FR/OP),
DRM's Office, Central Railway, Mumbai 400001,
and residing at: 13, 3RD Floor, Kartikey Housing Society,
Balbakeshwar Nagar, Kalyan (East),
District :Thane, State of Maharashtra, Pin 400126.
18. RASHID USMAN SHAIKH,
(son of USMAN BANEMIYA),
(Date of Birth: 01.08.1955, Age: 60 years),
working as: CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.M.E. (FR/OP), DRM's Office, Central Railway,
Mumbai 400001, and residing at: R0-HOUSE 20,
Bismilal Villa, Nasik, District : Nasik, State of Maharashtra.
19. HANSRAJ AMBESH,
(son of Late Shri Santokiram Ambesh),
(Date of Birth: 16.11.1964 Age: 51 years),
working as: CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.M.E. (FR/OP), DRM's Office, Central Railway,
Mumbai 400001, and residing at: Onyx B-7/04, Onyx CHS
Ltd.Ground Floor, Onyx, Godrej Hill, Kalyan (West),
District Thane : State of Maharashtra, Pin 421 301.
20. RAMESH DAMU SONAWANE,
(son of DAMU SAMBHAJI SONAWANE),
(Date of Birth: 01.06.1958, Age: 57 years),
working as : CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.M.E. (FR/OP), DRM's Office, Central Railway,
Mumbai 400001, and residing at: 2, 3RD Floor,
Santabhama Housing Society, Kalyan, District
Thane, State of Maharashtra, Pin 421 301.
21. AJIT RAGHUNATH SAWANT
(son of RAGHUNATH SAMBHAJI SAWANT),
(Date of Birth: 04.04.1961 Age: 54 years), working as
CHIEF LOCO INSPECTOR, (Group "C" Post),
under Sr. D.M.E. (FR/OP), DRM's Office, Central Railway,
Mumbai 400001, and residing at: Nikhila Nagari,
1 Floor, Nikhila Nagari, Karjat, Post Raigad,
Taluka Karjat, District : Raigad,
State of Maharashtra, Pin 410 201.

- Applicants

(By Advocate Shri R.G.Walia with Shri Brijesh Nittekar)

Versus

1. Union of India, Through : The Secretary, Railway Board, Rail Bhavan, New Delhi 110 001.
2. The General Manager, Central Railway, Headquarters' Office, CST, Mumbai 400001.
3. DRM (Divisional Railway Manager) DRM's Office, Central Railway, CSTM, Mumbai 400001.
4. C.P.O. (Chief Personnel Officer), Central Railway, Headquarters' Office, CST, Mumbai 400001.
5. Sr. D.P.O. (Divisional Personnel Officer) Central Railway, Headquarters' Office, CST, Mumbai-400001. - Respondents
(By Advocate Shri V.S.Masurkar)

ORAL ORDER

Per : R.N.Singh, Member (Judicial)

Heard Shri R.G.Walia along with Shri Brijesh Nittekar, learned counsels for the applicants and Shri V.S.Masurkar, learned counsel for the respondents.

2. The applicants 22 in number have filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 to challenge the action of the respondents in not stepping up the pay of the applicants at par with their juniors.

3. The applicants have prayed for the following reliefs:

8.a) This Hon'ble Tribunal will be pleased to call for the records and proceedings of the case and after going through the same, be pleased to order and direct the Respondents to step up the pay of the Applicants (who are senior) on par with their respective junior employee as referred in para 4.2 and 4.3 of the Original Application and accordingly grant proper pay fixation with effect from the juniors start drawing more pay than the Applicants with all consequential benefits including arrears of pay and interest @ 18% arising thereto;

8.b) This Hon'ble Tribunal will be pleased to hold and declare that the Applicants who are senior to persons

referred to in para 4.2 and 4.3 of the Original Application cannot draw more pay than their seniors and accordingly Order and direct the Respondents to STEP-UP the pay of the Applicants to that of their juniors with all consequential benefits.

8.c) Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.

8.d) Costs of this Original Application may be provided for."

4. In response to the notice issued from this Tribunal, the respondents have filed the detailed written statement in January, 2017 and have opposed the claim of the applicants. The applicants have filed rejoinder and they have reiterated their claim as well as the grounds therefor.

5. At the outset, Shri R.G.Walia, learned counsel for the applicants submits that during pendency of the OA, an identical issue came before this Tribunal in OA No.119/2012 titled **Siddharth Mahadev Bharsakhare Vs. Union of India and others** with a batch of OAs and the same were decided by a common order/judgment dated 04.01.2019. The paragraph No.30 of the said order/judgment dated 04.01.2019 reads as under:

"30. In view of the facts and circumstances as discussed above and considering the decisions rendered by the Hon'ble Apex Court as well as Coordinate Benches of this Tribunal referred to herein above, there is no reason to arrive at a different conclusion except to conclude that the OAs are having merit. Accordingly, OAs deserves to be allowed and are accordingly allowed with the following directions:

- (i) The impugned orders in all the respective OAs are hereby quashed and set aside.

(ii) Respondents are directed to reconsider and to pass suitable orders for stepping up the pay of the applicants at par with their juniors and workout the arrears of pay and allowances due to the applicants.

(iii) The arrears of pay and allowances arising out of such stepping up be made available to the applicants.

(iv) The applicants are also entitled to the interest on arrears arising out of such stepping up at the rate as applicable on GPF from the date when the pay of the respective junior was fixed till payment.

(v) The aforesaid exercise shall be completed by the respondents within four months from the date of receipt of a certified copy of this order.

31. These OAs are disposed of in the aforesaid terms. There shall be no order as to costs."

6. Shri R.G.Walia, learned counsel for the applicants further submits that subsequently the Railway Board has issued the Circular bearing No.E(P&A)II/2008/RS-37 dated 27.01.2020 and the same reads as under:

"Sub : Stepping up of pay of Loco Inspectors appointed prior to 01.01.2006 at par with their junior appointed after 01.01.2006 and drawing more pay than the seniors.

The issue of allowing stepping up of pay to senior Loco Inspectors appointed prior to 01.01.2006 at par with their junior appointed after 01.01.2006 and drawing more pay than the seniors has been under consideration for quite some time pursuant to dismissal of several SLPs on this issue by the Hon'ble Supreme Court in limine at the admission stage itself without going into merit of the case. The Federations have also raised this issue in PNM Forum as well as in DC/JCM Forum (item No.Io/2012) demanding stepping up in such cases due to dismissal of SLPs. In view of the persistent dismissal of the SLPs by the Hon'ble Supreme Court of India though without going into merit of the case or disputing any of the statutory provisions in this

regard, the Board has considered the matter and with a view to obviate repeated/multiple litigations Board has decided, as a special dispensation, to allow stepping up of pay to senior Loco Inspectors appointed prior to 01.01.2006 at par with their juniors appointed after 01.01.2006 who are identically placed to the employees involved in the following cases:-

Sr. No.	SLP(C) No(s).	WP No(s).	Name of the Hon'ble High Court	Name of the applicant(s)
1	4568/2014	3529/2013	Madras	UOI & Ors. V. Murugesan & Ors.
2	4569/2014	3528/2013	Madras	UOI & Ors. Vs. S.Sakthivel & Ors.
3	20656/2014	17528/2013	Madras	UOI & Ors. Vs. A.R.Muzammil
4	22931/2014	17145/2013	Madras	UOI & Ors. Vs. M.Thiyagarajan
5	23789/2019	35569/2013	Andhra Pradesh	UOI & Ors. Vs. P.Amos
6	23788/2019	38421/2018	Andhra Pradesh	UOI & Ors. Vs. Chedimela Venkata Sridhar & Ors.
7	24512/2019	39113/2018	Andhra Pradesh	UOI & Ors. Vs. Namburi Surapa Raju & Ors.
8	25587/2019	47740/22018	Andhra Pradesh	UOI & Ors. Vs. B. Ramakrishna & Ors.
9	33654/2014	OP(CAT) No.225/2011 (Z)	Kerela/ Ernakulam	UOI & Ors. Vs. K.S. Rajendra

7. This fact has not been disputed on behalf of the respondents.

8. In view of the aforesaid, the OA is disposed of with a direction to the respondents to consider the claim of the

applicants keeping in view the aforesaid order/judgment dated 04.01.2019 in **Siddharth Mahadev Bharsakhare** (supra) and also the circular dated 27.01.2020 and cases referred to in the said circular of the Railway Board and in case the applicants are found identically placed to the applicants in **Siddharth Mahadev Bharsakhare** (supra) or the employees referred to in the SLPs referred in the circular dated 27.01.2020 to grant the same benefits as the employees in the case of **Siddharth Mahadev Bharsakhare** (supra) and the employees referred to in the aforesaid SLPs.

9. The aforesaid exercise shall be completed by the respondents as expeditiously as possible and in any case within twelve weeks from the date of receipt of a certified copy of this order.

10. However, in the facts and circumstances, no order as to costs.

(R.N.Singh)
Member (Judicial)

(Dr. Bhagwan Sahai)
Member (Administrative)

kmg*

SD
26/03/2020

