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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 607/91

New Delhi this the 3rd day of August, 1994

COURT :

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

S/Shri

1. R. G. Kirtikar S/O G. N. Kirtikar
2. Arun Kumar Pandey S/O Shri Ram Pandey
3. Pratap Singh S/O Hodil Singh
4. Prem Narain Goswami S/O Ramlal Goswami
5. D. S. Rathor S/O J. S. Rathor

C/O Asstt. Yard Master under
Chief Yard Master, Central
Railway, Bhusawal.

... Applicants

By Advocate Shri R. L. Sethi

Versus

1. Union of India through
the Secretary, Ministry of
Railways, Rail Bhawan,
New Delhi.
2. The General Manager,
Central Railway,
Bombay V.T.

... Respondents

None for the Respondents

O R D E R

In this application Shri R. G. Kirtikar and four others have prayed that the respondents be directed to give them the benefit of the revised pay and fitment vide Railway Board's notification dated 15.5.1987 to them and the respondents be directed to give them the entire benefit of the judgment of the Madras Bench of the Tribunal in O.A. Nos. 322/88 and 488/87 decided on 4.12.1989.

2. The applicants' case is that they were selected as Traffic Apprentices by the Railway Recruitment Board in the year 1986/1987 in accordance with a

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scheme introduced by the Railway Board in 1952, for recruitment of Traffic/Commercial Apprentices.

According to this scheme a number of Traffic/Commercial Apprentices were to be recruited annually on each Railway filling up a maximum of 25% of the annual vacancies out of which 15% were to be filled up by direct recruitment from open market and the balance 10% by a limited departmental competitive examination from amongst serving graduates in the Traffic and Commercial departments other than the ministerial staff, below the age of 40 years. The minimum qualifications prescribed for recruitment as Traffic/Commercial Apprentices was a university degree with law as additional qualification for Commercial Apprentices, diploma in rail transport and management from a rail transport institute was additional desirable qualification. Three years' training was prescribed for the Traffic Apprentices, during which they were to be paid Rs.1320/- in the first year, Rs.1350/- in the second year, and Rs.1380/- in the third year, in addition to dearness allowance. The applicants content that although the apprenticeship period was initially prescribed for three years, the applicants were put on working posts even before completion of three years' apprenticeship period was subsequently reduced and they were placed in the pay scale of Rs.1400-2300. They contend that by the impugned notification dated 15.5.1987, the respondents revised the pay scale of Traffic/Commercial Apprentices who were appointed after the issue of the said

notification from Rs.1400-2300 to Rs.1600-2660. In accordance with the said notification, certain conditions were laid down including the one that future recruitment of these apprentices would be made in the grade Rs.1600-2660; a higher standard of examination would be imposed than at present having regard to the fact that the recruitment would be in a higher grade; no recruitment in the scale of Rs.1400-2300 would henceforth be made, but Traffic/Commercial Apprentices already under training would be observed only in scale of Rs.1400-2300; Traffic/Commercial Apprentices working in the lower scale of Rs.1400-2300 would not be required to put in training again if they got selected in the higher scale of Rs.1600-2660, etc. The applicants have contended that the aforesaid notification in so far as it excluded Traffic/Commercial Apprentices who had already been selected and had undergone training was challenged as being illegal and discriminatory in O.A. Nos. 322/88 and 488/87 before the Madras Bench of the Tribunal, who, in their order dated 4.12.1989 (Annexure A-2) allowed the two O.A.s and directed the benefit of revision of pay and fitment on absorption vide Railway Board's letter dated 15.5.1987 to be given to the applicants therein w.e.f. 15.5.1987 with consequential benefits, without putting them through any final retention test. The applicants contend that the review application filed in O.A. 322/88 was dismissed by the Madras Bench on 12.4.1990 and the SLP filed in the Hon'ble Supreme Court against that judgment was also dismissed on 23.7.1990 (Annex. A-4).

Thereafter some of the Traffic Apprentices of the Western Railway also filed O.A. No. 510/89 before the New Bombay Bench of the Tribunal which was allowed on 28.8.1990 (Annex. A-5). A similar application bearing O.A. No. 59/88 was filed in the Ernakulam Bench of the Tribunal which was also allowed on 24.1.1990 (Annex. A-6).

3. The respondents in their reply have challenged the contents of the O.A. and claimed that the application is barred by limitation and also that as the applicants are working in Bhusawal, jurisdiction in this case lies not with the Principal Bench at Delhi but with the Bombay Bench of the Tribunal. On merits, the main ground taken is that the higher scale of pay of Rs.1600-2660 instead of Rs.1400-2300 has been prescribed because the standard of examination would be higher than at present as per paragraph 2 (vii) of the Railway Board's letter dated 15.5.1987.

4. The applicants in their rejoinder have pointed out that the O.A. is within the period of limitation, and as the impugned order was issued by the Railway Board which has its headquarter in New Delhi, this application falls within the jurisdiction of the Principal Bench.

5. In so far as the ground of limitation is concerned, it is well established that a benefit accruing out of a judicial decision should normally be made applicable to those employees who are similarly placed without compelling them to file individual cases before the Tribunal, and hence, the ground of limitation taken by the respondents is rejected. The ground of lack of

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jurisdiction is also rejected, because the impugned order was issued by the Railway Board whose headquarters is in New Delhi, which comes squarely within the jurisdiction of this Bench.

6. As regards the merits of the case, argument is advanced by the applicants that the higher scale of pay of Rs.1600-2660 has been prescribed because the standard of the examination would be higher than at present has been considered and rejected in a catena of judgments cited by the applicants including O.A. No. 557/91 - Nirmal Singh Raju & 34 others vs. Union of India.

7. As the facts of this case are fully covered by those judgments wherein those applicants have been allowed the pay scale of Rs.1600-2660 w.e.f. 15.5.1987, this application is also allowed with direction to the respondents to grant the applicants revision of pay and fitment on absorption vide Railway Board's letter dated 15.5.1987 as also the consequential monetary benefits flowing therefrom, in accordance with the judgment of the Madras Bench dated 4.12.1989 in O.A. Nos. 322/88 and 488/87. These directions should be implemented within three months from the date of receipt of a copy of this order. No costs.

Ar/obj
(S. R. Adige)
Member (A)

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