

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

8

O.A. No.507 OF 2004

New Delhi, this the 11<sup>th</sup> day of October, 2004

**HON'BLE SHRI V.K. MAJOTRA, VICE CHAIRMAN (A)**  
**HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

Bhani Sahay S/o Hari Singh,  
W/as Cabinman, Kalipur,  
Northern Railway, Delhi Division)

(None present)

.....Applicant.

VERSUS

Union of India, through

1. General Manager,  
Northern Railway, Baroda House,  
New Delhi-110001.
2. Divisional Personnel Officer,  
Northern Western Railway,  
DRM Office, Bikaner (Raj.).
3. Divisional Personnel Officer,  
Northern Railway, State Entry Road,  
New Delhi.

(By Advocate : Shri A.K. Shukla)

.....Respondents

**ORDER (ORAL)**

**SHRI V.K. MAJOTRA, VICE CHAIRMAN (A)**

As none is present for the applicant, we have proceeded to adjudicate upon this application in terms of Rule 15 of the CAT (Procedure) Rules, 1987 considering the pleadings, material on record and arguments advanced by the learned counsel of the respondents.

2. Applicant, who is working as Pointsman 'A' since 8.6.1994, has contended that respondents have not accorded him the benefits flowing from the recommendations of the Vth Central Pay Commission. He has sought the following reliefs:-

“(i) Direct the respondents to correct the pay fixation of applicant from the year 1996 with allowing of increments in his pay scale;

(ii) Direct the respondents, their office bearers for payment of arrears/difference of pay scale which were allowed to his colleague, along with the statutory interest from the year 1996.

(iii) Award Cost to the applicant,

(iv) Pass such other orders or issue such direction which this Hon'ble Court may deem fit in the interest of justice."

3. Respondents have filed a short reply stating that relevant records are not traceable with them. Learned counsel of the respondents seeks and is allowed four months' time from the date of communication of these orders for tracing out the relevant records and in case they are not retraced, then they will reconstruct them and consider the reliefs claimed by the applicant. Learned counsel also brought to our attention that respondents have paid the applicant a sum of Rs.5000/- as pay and allowances which sum shall be adjusted against his dues in case his claims are considered favourably.

4. OA is disposed of in terms of the assurance given by the learned counsel of the respondents. Respondents shall pass a detailed and speaking order on tracing out the relevant records and in case of failing in that on reconstruction of records within a period of four months from the date of communication of these orders.

*S. Raju*  
 (SHANKER RAJU)  
 MEMBER (J)

*V.K. Majotra*  
 (V.K. MAJOTRA)  
 VICE CHAIRMAN (A)  
 11.10.04

/ravi/