

24

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1932/92

NEW DELHI THIS THE 12th DAY OF OCTOBER, 1994.

HON'BLE SHRI S.R. ADIGE, MEMBER(A) -

Shri N.P. Saxena,
S/o Shri N. Parsad,
Senior Traction Loco Controller,
Northern Railway Tundla

2. Shri Bir Bhan Sharma,
S/o Late Shri Dhani Ram
Ex Sn TLC
DEE/RSO/TDC
3. Harbans Singh,
S/o Shri Bhagat Singh
Chief Driving Inspector
DEERSO/TDL
4. V.B. Saxena
S/o Late Sh Sheoparshad Saxena
TLC, DEE/RSO/TDL
5. Shri Preetam Singh, S/o
Sh Jagat Singh
Chf. Driving Inspector
DEE/RSO/TDL
6. Shri B.N. Sarawat,
S/o Shri S/o Late Sh R.S. Sharma
Sr. Traction Foreman
7. Shri M.L. Avasthy,
S/o Shri L.M. Avasthy,
Sr Traction Foreman
DEE/RSO/TDL
8. Shri Chandan Singh,
S/o Shri Ishwari Singh,
Sr. Traction Foreman
DEE/RSO/TDL
9. Shri Madho Singh,
S/o Shri Hukam Singh,
Sr Traction Foreman
DEE/RSO/TDL

....Applicants

(By Advocate : B.S. Mainee)

VERSUS

UNION OF INDIA, THROUGH

1. The Secretary,
Ministry of Railways,
Northern Railway,
Railway Board, Rail Bhavan,
NEW DELHI.
- 2.

25

2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway,
Allahabad. ...Respondents

(By Advocate : Shri Shyam Moorjani)

ORDER (ORAL)

Hon'ble Shri S.R. Adige, Member (A)

In this application Shri N.P. Saxena and 8 others, who had been promoted as Loco Supervisors prior to 1.01.86, have prayed for stepping up of their salaries to the level of their colleagues who had been promoted as Loco Supervisor after 1.1.86 and who are said to be drawing much higher salaries than the applicants, because of merger of D.A. in the pay scales, as also the merger of the two pay scales, grade Rs.550-750 and Rs.700-900 to only one scale w.e.f. 1.1.86. Specifically the applicants have prayed for stepping up of their pay to the level drawn by Shri S.K. Bajpai who had been promoted as Loco Supervisor in 1987.

2. I have heard Shri B.S. Mainee for the applicant and Shri Moorjani for the Respondents. Shri Mainee has drawn attention to the averments made in the O.A., and has contended that the case is on all fours with the case of S.K.L. Mahendiratta & Another Vs Union of India in O.A.No.469/92,

26

in which the Respondents had illegally sought to withdraw the relief already granted. By the judgement in that O.A. the action taken by the Respondents in withdrawing the relief was struck down, and the S.L.P. filed in the Hon'ble Supreme Court against the Tribunal's judgement dated 22.12.92 was dismissed on 19.11.93. Shri Mainee contended that the case of Gurbax Singh Vs Union of India & Ors in O.A. No.2532/92 decided on 04.2.94 and Chabra's ^{case bearing} O.A.No.2106/91 decided ^{on} 22.4.92 were also on all fours with the present case. He contended that the applicants sought pay fixation with reference to the pay drawn by one Shri S.K. Bajpai, who had been promoted as Loco Supervisor in 1987. He stated that if the Respondents were unwilling to step up the salary of the applicants to the level of Shri S.K. Bajpai, on the ground that Shri Bajpai was drawing a higher salary even in the lower post of Driver Grade 'C' as averred by them, the pay of of the applicants should be stepped up at least to the level to pay drawn by one Shri Raksha Ram Misra who undiubtedly was junior to the applicants, in terms of date of appointment, date of promotion as Driver Grade 'C' and date of Supervisor promotion, and yet who was drawing higher pay than the applicants. In this connection he drew attention to the M.A.937/94 filed by him on 6.4.94, containing a comparative chart showing

the fixation of pay of Shri R.R. Misra relative to each of the applicants.

3. To this Shri Moorjani very fairly submitted that the Respondents would be willing to consider immediately the case for stepping up of the pay of the applicants, with reference to the pay drawn by Shri R.R. Misra in accordance with the extant rules and instructions on the subject, with liberty given to the applicants to agitate the matter afresh in case they were dis-satisfied with the decision of the Respondents.

4. While Shri Mainee had no objection to this, he voiced some apprehensions that in case the applicants were compelled to file the fresh O.A., and the Respondents delayed their reply, or the application was heard only in its turn, it may unnecessarily delay the ultimate grant of relief to the applicants, many of whom had already retired or ^{was} about to retire. The Respondents are the employers of the applicants, and it is expected that they will act with promptitude, and not delay any reply they may be required to file. In case they do so necessary correctives can be applied. As far as hearing is concerned, that can also be ordered expeditiously, if necessary at the admission stage itself, to obviate any delay. Hence these apprehensions are met.

5. In the light of the above this O.A. is disposed with the following directions:-

- (i) The applicants will appear before the Chief Personnel Officer (Admn.), Northern Railway, Baroda House, New Delhi, on ^m26.10.94 with a copy of this Order, together with such other material that they possess, including judgements and Orders relied upon by them in support of their prayer, for stepping up of their pay to the level drawn by one Shri R.R. Misra, and represent their case before that functionary.
- (ii) The Chief Personnel Officer (N.R.) will consider the representation and will pass a detailed, speaking order thereon, after giving the applicants a proper hearing. This detailed speaking order should be passed not later than 12.11.94, and a copy of the same should be supplied to each of the applicants.
- (iii) In case any grievance survives thereafter it ~~wil~~^{be} be open to the applicants to agitate the matter afresh in accordance with law, if so advised. In the event that a fresh O.A. is filed, the same may

29

be heard and disposed of as expeditiously as possible, preferably at the admission stage itself.

(iv) Let a copy of this order be sent to the C.P.O.(Admn.) Northern Railway, New Delhi, as also to Counsel for both parties immediately.

(v) No costs.

Anfolige
(S.R. ADIGE)
MEMBER (A)

SSS

h