

SAT/7/12

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 786/92
F.A. No.

199

DATE OF DECISION 8-9-1993

<u>Shri Baisakhi Ram</u>	Petitioner
<u>Shri Umesh Mishra</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India</u>	Respondent
<u>Shri NK Agarwal.</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. N.V.Krishnan, Vice Chairman(A).

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal? ✓

ORAL
JUDGEMENT

(Hon'ble Shri N.V.Krishnan, Vice Chairman(A))

The applicant is a highly skilled diesel fitter at the diesel shed, Shakurbasti, Delhi. He states that certain decisions were taken in the 83rd PNM Meeting with URMU on 7/8-1-91 and in pursuance thereof a joint meeting was held on 18-3-91 in the Divisional Office, New Delhi the record of which has been filed as An.B. The meeting was attended by Shri AK Gulati, Sr.DPO, Mrs.Kusum Singh, APO(M) ^{the} from inside of the management and by the representatives of URMU. and NKMU ✓

2. The decision arrived at is contained in para 2 of An.B which reads as follows:-

"Both the unions agreed that the case of Shri Baisakhi Ram for stepping up of pay should be dealt with at par with his juniors who have already been stepped up. They have also agreed

that in future no such case of stepping up of pay on the basis of adhoc/officiating promotion shall be opened in view of the clear instructions now available from Railway Board. Accordingly APO(M) will put up this case for approval of ADRM-II as decided in the 83rd PNM meeting held on 7/8-1-91."

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3. The applicant's grievance is that though a decision was taken, it was not given effect to. He therefore made a representation dated 12-4-91 addressed to the Sr. Divisional Personnel Officer, Northern Railway, the 2nd respondent, drawing his attention to the An.B and requesting him to refix his pay in terms of para 2 of the An.B proceedings. As the applicant did not receive any reply, he has filed this application for a direction to the respondents to refix the pay of the applicant and rectify the anomaly.

4. The respondents have filed a reply stating that the application is barred by time and have denied the correctness of its contents. It is further stated by the respondents that they have not received the An.A representation of the applicant.

5. I have heard Shri Umesh Mishra the learned counsel for the applicant and Shri NK Aggarwal learned counsel for the respondents. In regard to limitation of time, I notice that this application has been filed on 23-3-92. The applicant states that he made representation on 12-4-91 An.B. He was therefore vigilant enough to follow up his case and I have no reasons to disbelieve that the representation dated 12-4-91 was made to the 2nd respondent. That being the case, the application dated 23-3-92 is filed well within the period of limitation.


6. When the case was heard on merits the ld. counsel for the respondents submitted that it would appear that action had not been taken to put up the case of the applicant for the approval of the ADRM(M) as mentioned in para 2 of the Minutes at An.B. He therefore opined that it would be in the interest of justice if the 2nd respondent is given reasonable time to consider this

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matter in the light of the An.B Minutes and take an appropriate decision in accordance with the law.

7. The 1d. counsel of the applicant agreed that the O.A can be disposed of on the above lines but the liberty of the applicant to approach the Tribunal in case he is aggrieved with any order that may be passed by the second respondent be preserved.

8. In the circumstances I am of the view that this application can be disposed of by issuing suitable directions to the 2nd respondent. Accordingly, the 2nd respondent is directed to consider the representation dated 12-4-91 of the applicant which is An.A-alongwith the record of the Minutes of the meeting An.B and consider the prayer of the applicant in accordance with the provisions of law and in the light of those Minutes and pass suitable orders within two months from the date of this order. It is made clear that I have not considered any of the issues on merits and the applicant would be at liberty to approach to the Tribunal again if so advised.


8/9/93
(N.V. KRISHNAN)
Vice Chairman(A)