

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. No. 1203/92

Date of decision 6.8.96

Hon'ble Smt. Lakshmi Swaminathan, Member (J)  
Hon'ble Shri K. Muthukumar, Member (A)

In the matter of

1. Railway Sharamik Sangharsha Samiti,  
Moradabad, through its Convenor,  
Shri Shyam Behari Lal, at L-7/A,  
Imali Lane, Railway Colony, Moradabad.
2. Shri Shambhoo Nath  
S/o Shri Ram Nath  
R/o House of Vijay Pal,  
Railway Harthala Colony,  
Double Storey (near Paper Board  
Factory) Moradabad.
3. Shri Kalloo  
S/o Shri Chunni Lal,  
R/o Vill. Uncha Gaon,  
Distt. Moradabad (UP)

... Applicants

(By Advocate Shri S.M. Garg, through  
proxy counsel Shri K.K. Patel)

Vs.

1. Union of India through the Secretary  
Railway Board, Ministry of Railways,  
Railway Bhawan, New Delhi.
2. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
3. The Divisional Railway Manager,  
Northern Railway,  
Moradabad Division, Moradabad-244001

... Respondents

(By advocate Shri P.S. Mahendru through  
proxy counsel Shri D.S. Mahendru)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Both counsel heard.

2. Learned counsel for the respondents has  
the  
filed MA 468/96 to which/reply has also been filed.  
In this MA, our attention has been drawn to the order  
of the Supreme Court passed in Writ petition (Civil)
- Y.C.

28

No. 262/94 (Shri Dhirender Singh & Ors v. UOI & Ors) dated 15.12.1994. He also submits that some of the applicants in this OA were also petitioners in the writ petition before the Hon'ble Supreme Court. Apart from this, he submits that he has no objection if similar order is also passed in this OA.

3. Learned counsel for the applicants, Sh. K. K. Patel <sup>is some of</sup> denies that the applicants here were also the petitioners before the Supreme Court. Apart from this, however, learned proxy counsel also concurs with the above submissions. He further submits that he is not pressing the other reliefs, prayed for in para 8 of the OA, other than sub paras (e) and (f).

4. The reliefs in para 8 (e) and (f) are similar to the reliefs considered and granted by the Supreme Court in the aforesaid writ petition dated 15.12.1994.

5. In view of the facts and as submitted by the learned counsel for both the parties <sup>and</sup> having regard to the order of Supreme Court dated 15.12.1994, this O.A. is disposed of with the following directions:-

(i) The applicants may submit all the evidence that is required to be produced within two weeks from the date of receipt of a copy of this order, to Respondent No.3- Divisional Railway Manager, Northern Railway, Moradabad Division, Moradabad to consider their claim in accordance with the Railway scheme worked out by the respondents in pursuance of the judgment in Inder Pal Yadav v. UOI referred to the judgment dated 15.12.1994.

<sup>18</sup> (ii) Respondent No.3 may either examine the claims and evidence placed before him in person or


29

duly authorise a senior officer to examine the same and submit the findings to him. Thereafter, Respondent No.3 shall, pass a reasoned and speaking order within a period of three months from the date of receipt of the representations and communicate the decision to the applicants immediately.

- (iii) Such of the applicants who are found eligible after such an enquiry shall be entitled to the consequential benefits as provided under the Railway scheme/rules.

6. The application stands disposed of as above. No order as to costs.

  
(K. Muthukumar)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Member (J)

sk