

(29)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.1981/1993

Friday, this the 10th day of August, 2001

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri S.A.T. Rizvi, Member (Admn)

1. Shri Surinder Pal Singh  
son of Shri Ajit Singh,  
resident of 8/15 Railway Colony  
Delhi Kishanganj.
2. Shri Anil Kumar Minocha,  
son of Shri Siri Ram,  
resident of 3/11 Railway Colony  
Delhi-Kishanganj.
3. Shri Manmohan Batra,  
son of Shri S.D.M. Batra  
resident of 7, Bahubali Enclave,  
Vikas Marg Ext., Delhi.

...Applicant

(By Advocate: None)

Versus

1. Union of India, through  
Secretary,  
Ministry of Railways  
Rail Bhawan, New Delhi.
2. General Manager,  
Northern Railway, Headquarters Office  
Baroda House, New Delhi.

...Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, VC (J):-

In this application, earlier judgement of the Tribunal (PB) dated 19.7.1999 allowing the application has been recalled on Review Application filed by the respondents (RA-180/99) by order dated 19.2.2001. The order dated 19.7.1999 was accordingly recalled and OA was listed for re-hearing. Notices were also ordered to be issued to the original applicants in OA-1981/93. It is noticed that the OA has been listed on a number of dates from 4.6.2001 and thereafter on four dates. It is further

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relevant to note that on 10.7.2001, Shri Ashwini Sharda, learned proxy counsel for the applicants had appeared and at his request, it was listed on 13.7.2001. However, on 8.8.2001 and again today, none has appeared on behalf of the applicants. Hence, we proceed to dispose of this application under Rule 15 of the C.A.T. (Procedure) Rules, 1987.

2. Shri R.L.Dhawan, learned counsel has drawn our attention to the judgement of the Hon'ble Supreme Court in Union of India & Anr. etc. etc. Vs. M. Bhaskar & Ors. etc. etc. (Civil Appeal No.5410/99 with connected cases).

Para 17 of the judgement reads as follows:-

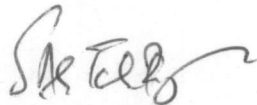
"17. All the appeals, therefore, stand disposed of by setting aside the judgments of those Tribunals which have held that the pre-1987 Traffic/Commercial Apprentices had become entitled to the higher pay scale of Rs.1600-2660 by the force of memorandum of 15.5.1987. Contrary view taken is affirmed. We also set aside the judgment of the Ernakulam Bench which declared the memorandum as invalid; so too of the Patna Bench in appeal SLP (C) No.15438 of 1994 qua respondent No.1. We also state that cases of respondents 2 to 4 in appeals SLP (C) Nos. 2533-35 of 1994 do not stand on..."

3. On a perusal of the Tribunal's order dated 19.7.1999, it is seen that the same has been given on the basis of an earlier judgement of the Tribunal in OA-1862/91. A direction had been given to the respondents to extend to the applicants the revised pay scale of Rs.1600-2660/- and fitment as per the Railway Board's letter dated 15.5.1987. The respondents have stated that the applicants have been selected as Commercial/Traffic

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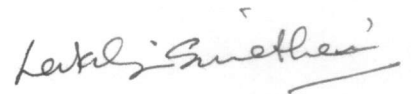
Apprentices against a 10% quota reserved for graduates and on completion of training commencing from 23.9.1984, they were appointed as CPC/CGC in the grade of Rs.1400-2300/- vide notice dated 23.1.1986. Therefore, having regard to the facts and circumstances of the case and the judgement of the Supreme Court in Union of India & Anr. etc. etc. Vs. M. Bhaskar & Ors. (supra), the applicants are not entitled to the higher pay scale of Rs.1600-2660/-.

4. In this view of the matter, we find no merit in this application and it is accordingly dismissed. No order as to costs.



(S.A.T. Rizvi)  
Member (A)

/sunny/



(Mrs. Lakshmi Swaminathan)  
Vice-Chairman (J)