

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 5TH DAY OF FEBRUARY, 2003

Original Application No. 345 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Smt. Santosh Garg, widow of  
Late Ramesh Chand, a/a 44 years  
R/0-7/1048, Jod Kuwan, House of  
Brij Bhushan Lal, Sahranpur,  
district Sahranpur.

... Applicant

(By Adv: Shri O.P.Gupta)

Versus

1. Senior D.P.O. Northern railway  
Divisional Office, Ambala  
Division, Ambala Cantt,  
State of Haryana.
2. Union of India through  
General Manager, Northern Railway,  
Baroda House, New Delhi.
3. Seva Ram, son of G.Ram  
working as Railway driver Grade-A  
Northern Railway, district  
Sahranpur.

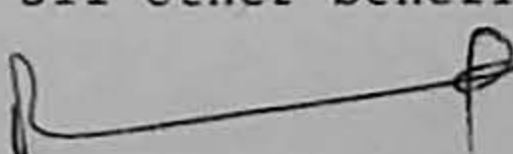
... Respondents

(By Adv: shri Prashant Mathur)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

Ramesh Chand who joined Railway as Fireman Grade-B and promoted as Diesel Assistant died in harness on 4.11.1983 while working as Driver Grade-'C' at Sahranpur. By this OA applicant Smt. Santosh Garg, widow of late Ramesh chand has prayed that the pay of her husband was not correctly fixed. She has prayed for a direction to the respondents to correct the pay of her husband right from 1975 onwards and to pay the difference of the salary to the applicant immediately alongwith all other benefits with interest.



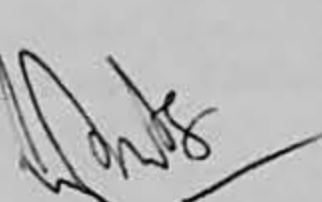
*On*  
This claim is based ~~with~~ the judgment of this Tribunal dated 25.5.1990(Annexure 1) passed in TA No.66/87. The direction given by this Tribunal was as under:-

"In view of what has been discussed above, the suit of the applicants stand decreed and the application is allowed with the direction to the respondents that they shall be paid to the applicants their salary equal to that of their juniors in the same way as to the juniors i.e. respondents 4 to 8 as has been paid at several stages of promotion and the applicant shall be entitled to all consequential benefits regarding back wages etc in this regard. Parties shall bear their own costs."

Shri Prashant Mathur learned counsel for the respondents has placed before us the judgment of Hon'ble Supreme Court dated 6.11.1998 by which in view of the judgment of Hon'ble Supreme Court in case of 'Union of India Vs O.P.Saxena and Ors the judgment of the High court has been set aside. It is submitted that the similar claim was raised by filing OA before Chandigarh bench of this Tribunal, in OA No.61/93 and OA 1244/93, which were accepted by the Tribunal in view of the judgment of this Tribunal dated 25.5.1990. The order of the Tribunal was challenged before High court in writ petition <sup>which</sup> was dismissed, against which SLP was filed which was admitted as civil appeal and ultimately allowed by order dated 6.11.1998. The order of Chandigarh bench in 'Dildar Singh's case has been placed before us. There is a specific reference of the judgment of this Tribunal dated 25.5.1990 passed in TA 66/87 'Parmanand Vs Union of India and relying on this judgment the relief was granted which

has been reversed by Hon'ble Supreme Court. We have also perused the judgment of Hon'ble Supreme Court in case of 'Union of India and Ors Vs O.P.Saxena, (1997) 6 SCC pg 360. Hon'ble Supreme Court allowed the claim and order dated 27.1.1993 of Lucknow bench of this Tribunal was set aside and OA no.322/91 was dismissed. Hon'ble Supreme court has already disapproved the directions to pay the salary on the basis of the order of this Tribunal passed in the case of 'Parmanand Vs Union of India(Supra), the applicant is not entitled for any relief.

The OA is accordingly dismissed having no merit. No order as to costs.

  
MEMBER(A)  
VICE CHAIRMAN

Dated: 5th of Feb: 2003

Uv/