

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 3RD DAY OF AUGUST, 2000

Original Application No.831 of 1996

CORAM:

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

HON.MR.S.BISWAS, MEMBER(A)

Gulam Rasool & Others

... Applicant

(By Adv: Shri A.N.Ambasta)

Versus

1. Union of India through Ministry of Railways represented by Chief Secretary, new Delhi.
2. Divisional Railways Manager, Northern Railways, Allahabad Division, Allahabad.
3. General Manager(P), Northern Railway Baroda House, New Delhi.

... Respondents

(By Adv: Shri A.V.SrivastAVA)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi, V.C.)

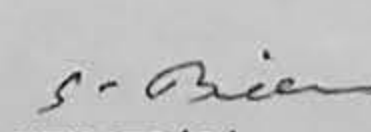
Applicants by this application have prayed for a direction to the respondents to pay them pay scale which is admissible to the Material Clerk from the date applicants were promoted to the post of Store Cum Tool Issuer. We have heard Shri Amar Nath Ambasta learned counsel for the applicant and Sri A.V.Srivastava learned counsel appearing for the respondents. Shri Ambasta has placed before us the order of the Railway Board dated 30.10.1972 filed as (Annexure 3). The order reads as under;-

"At the last meeting of the Departmental Council under the Joint Consultive Machinery, the criterion for determining the scale of pay of the staff dealing with Store matters in departments other than stores variously designated as Material Checkers, Store Issuers, Fuel Issuers, Tool Issuers/Clerk Coal Issuers/Clerk etc. was reviewed. Accordingly Board have decided that staff of the above categories performing any two of the seven items of duties

listed in Paragraph 4(I) of the Board's letter dated above, should be placed in the grade Rs.110-1180 wherever they have hitherto been allotted only Rs.105-135. These orders take effect from 1.10.1972."

Learned counsel for the applicant has submitted that in view of this order of the Board applicants were entitled for the higher pay scale which has not been given to them. ^{It} is also submitted that they were entitled for the higher pay scale from the date of their promotion which was granted ⁱⁿ 1985, whereas the respondents have given this benefit to them from 1991 vide order dated 22.1.1992. Shri A.V.Srivastava learned counsel for the respondents on the other hand, submitted that in view of Head quarter's letter dated 16.1.1991 addressed to the DRM the pay scales were fixed w.e.f. 1991 and there is no illegality.

We have considered the submissions of the learned counsel for the applicant. The dates of appointment and promotion are not in dispute. The only ^{dispute} ~~jurisdiction~~ is regarding the enforcement of the Board's order dated 30.10.1972. Before coming to the Tribunal the applicants have filed representations which are still pending and have not been decided. The copies of the representation dated 1.1.1993 ^{have} ~~are~~ been filed as (Annexure 6). In our opinion, the ends of justice shall better serve if the respondents are directed to decide the claim of the applicants by a reasoned order after giving them opportunity of hearing. The application is accordingly disposed of finally with the direction to respondent no.2 to consider and decide the representation of the applicants by a reasoned order after giving them opportunity of hearing within a period of three months from the date a copy of this order is filed. There will be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 3rd August, 2000

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