

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Original Application No.1453 of 1997.  
this the day of 14th, May 2002.

HON'BLE MS MEERA CHHIBBER, MEMBER JUDICIAL.

Jawaher Lal S/o Sri Moti Lal  
Mangal Prasad S/o Sri Baiju  
Suraj Deen S/o Sri Jaggu

All are resident of village smilepur Kutwa  
P.O. Manauri, Distt. Allahabad.

... Applicant.

By Advocate:-None.

Versus.

Union of India through The General Manager,  
Northern Railway, Boroda House, New Delhi.

2. The Divisional Rail Manager, Northern,  
Railway, Allahabad.

3. The Divisional Engineer, Northern,  
Railway, Fatehpur.

... Respondents.

By Advocate:-Sri A. Tripathi. Adv.

ORDER ( ORAL )

BY HON'BLE MS MEERA CHHIBBER, MEMBER (J).

By this O.A. the three applicants have claimed 18  
the following reliefs:-

RELIEFS

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i). That the respondents be directed to count the past services i.e. with effect from the date of initial appointment to 10.6.1986 of applicants in fixation of their seniority and accordingly their seniority be corrected.

ii). That the respondents be directed to pay salary of applicants in revised C.P.C. scale with effect from 7.7.1985 to 10.6.1986 and thereafter salary of 120 days in revised C.P.C. scale with effect from 11.6.1986 after deducting the amount already paid towards wages to the applicants be given increments for the period with effect from June 1976 to Feb. 1987 and accordingly correct fixation of their pay and pay arrears of their salary with interest at the rate of 18% per annum.

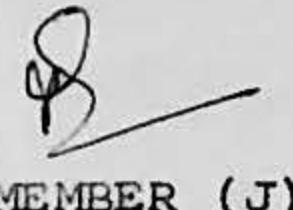
iii). Any other further relief which this Hon'ble Tribunal may deem fit and proper be allowed awarded to the applicants.

iv). Cost of proceeding be awarded to the applicants.

Since none appeared on behalf of the applicant I have heard counsel for respondents and perused the documents. The respondents have submitted that initially the applicants had filed a suit before the Munsif claiming injunction against the respondents, not to terminate their services which was allowed on 2.12.1977 (Annexure-A-1). This order was challenged by the respondents but the appeal was dismissed on 6.7.1985 therefore the respondents re-engaged the applicants as casual labour. After re-engagement they are getting all the benefits which they are entitled. However the matter pertaining to back wages as directed by the Labour Court in LCA No.69/1985, 63/1985 and 72/1985, ~~the matter was~~ still pending with the Hon'ble High Court as ~~against~~ <sup>as had</sup> the respondents filed an appeal in the Hon'ble High Court ~~which is~~ pending. The Order is annexed at page 69. They

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have further submitted that the temporary status is given to the daily wager only on passing the prescribed medical examination which was passed by the applicants Sri Jawahar Lal and Sri Suraj Deen on 5.11.1986 and Sri Mangal Prasad passed on 6.1.1987. Thus , the question for giving C.P.C. scale prior to the medical fitness does not arise at all. It is seen from the paper-book that the applicants have given number of representations to the respondents which have not been decided by the respondents till date. Therefore, this matter can be disposed of by a direction to the respondents to pass a final reasoned and speaking order on the representation of the applicants within a period of three months from the receipt of the copy of this order. With the above direction the O.A. is disposed of. No costs.



MEMBER (J)

Dated:-14.5.2002.  
Allahabad.  
Amit//