

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 26th day of July, 2001.

Original Application No.578 of 1997

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Maj Gen KK Srivastava, A.M.

1. Lala Ram S/o Shri Bharose,  
R/o 129, Nalganj,  
Sipri Bazar, Jhansi.
2. Brij Lal, S/o Late Shri Magan,  
R/o Punawali Kala,  
Raksha, Jhansi.
3. Sultan Khan, S/o Late Shri Khairati,  
R/o 107, Nanakganj, Sipri Bazar, Jhansi
4. Madho Prasad S/o Late Shri Munni Lal,  
R/o 55, Bihari pura, Premnagar, Jhansi.

(Sri Rakesh Verma, Advocate)

..... Applicants

Versus

1. Union of India through the  
Chairman, Railway Board, Rail Bhawan,  
New Delhi
2. The General Manager,  
Central Railway, Mumbai V.T.  
Mumbai.
3. The Divisional Railway Manager(P)  
Central Railway, Jhansi.

(Sri G.P. Agrawal, Advocate)

..... Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. SKI Naqvi, J.M.

Sri Lala Ram and three others have come up  
seeking the relief to the following effect:-

"(i) To issue a writ, order or direction  
in the nature of Mandamus directing the respondent  
nos.1 and 2 to refix pay of the applicants as  
Highly Skilled Fitter Grade II in the revised  
pay scale of Rs.1200-30-1800/- after giving one  
increment of Rs.30/- in the said revised scale  
as on 1-1-1986 and to calculate the arrears ~~there~~  
thereof and to pay it to the applicants within  
the period as may be stipulated by this Hon'ble

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Court in pursuance of Railway Board letter dated 5-5-1995.

(ii) To issue any other suitable writ, order or direction in the facts and circumstances of the case which this Hon'ble Tribunal may deem fit.

(iii) To award cost of the petition".

2. The respondents have contested the case, filed the counter reply with the mention that the applicants are not entitled to the claim as they have sought for.

3. The controversy arose at the time when the recommendations of the 4th Pay Commission were to be implemented and the applicant were not considered because ~~because~~ of pending litigation in respect of their promotion which was finally decided and as per Court's direction this order dated 3-4-1991(Annexure-A-1) was passed and the promotion was allowed to three stages of promotion. The first stage in the scale of Rs.260-400 w.e.f 30-3-1978, the second stage in the scale of Rs.330-560 w.e.f. 7-12-1983 and the third stage in the scale of Rs.1320-2040 w.e.f. 24-3-1987. The benefit ~~benefit~~ of the first two stages was from the date prior to the date of enforcement of 4th Pay Commission report and therefore the applicants could not exercise their due option at right time. Sri Rakesh Verma, counsel for the applicant pointed out that some other similarly situated employees opted beyond the period prescribed and the same was accepted in view of the fact that at proper time the option was not available to them and the right accrued subsequently.

4. With the above position in view we find that it would be expedient to decide the OA with the following directions.

4. The applicants are granted opportunity to move a fresh representation within four weeks and the same

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be decided by the competent authority within three months thereafter and in case the applicants are found entitled to any benefit by way of refixation the same be provided within three months after the decision by the competent authority in the department. The OA is accordingly decided. There shall be no order as to costs.

Member (A)

Member (J)

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