

(2)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1234 of 2005

Allahabad this the 18th day of October, 2005

Hon'ble Mr. A.K. Bhatnagar, Member (J)
Hon'ble Mr. D.R. Tiwari, Member (A)

1. Abdul Mazid aged about 46 years, Son of Shri Addul Waheed, resident of I.T.I. area near Masjid, Jhansi.
2. Atma Ram Rawat, aged about 49 years, Son of Shri Kishun Prasad, resident of 199/1, Heerapura, Nagra, Jhansi.

Applicants

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Jhansi.

Respondents

By Advocate Shri A.K. Gaur

O R D E R

By Hon'ble Mr.A.K. Bhatnagar, Member (J)

By this O.A., the applicants have prayed for the following reliefs:-

"A. To issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 05.10.2005 (Annexure A-1);

✓

(3)

B. To issue a writ, order or direction in the nature of MANDAMUS thereby commanding the respondents to give the benefit of pay scale of Rs.6500-10500 with all consequential benefits to the humble petitioners from 1-11-2003 under the scheme of restructuring of cadre for which a time bound direction is fervently prayed.

C. To issue any suitable order in favour of the humble petitioners as deemed fit by this Hon'ble Tribunal in the facts and circumstances of the case;

D. To award cost of the petition in favour of the humble petitioners.

2. The brief facts as per the applicants are that the applicant no.1 was appointed as Commercial Clerk on 02.01.1981 and applicant no.2 was appointed as a Junior Clerk on 02.03.1981. Thereafter they were promoted to the cadre of Welfare Inspector in the pay scale of Rs.1400-2300. As per the applicants, the cadre of Welfare Inspector was merged in the cadre of Personnel Inspector. It is submitted by the applicants that the Railway Board introduced a Scheme of restructuring under which applicants are entitled for the higher pay scale of Rs.6500-10500 with effect from 01.11.2003. It is also claimed by the applicants that roster system of SC/ST does not apply in their cases. The applicants have also enclosed with their O.A. a Judgment dated 26.08.2005 (annexure A-II) passed by the Principal Bench of this Tribunal. The applicants have jointly made a representation on 07.10.2005(Annexure A-IV) annexing the aforesaid Judgment for higher pay scale. The grievance of the applicants is that the respondents have not decided the representation dated 07.10.2005, therefore, they have approached this Tribunal.

3. During the course of arguments, learned counsel for the applicants submitted that applicants will be

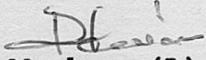
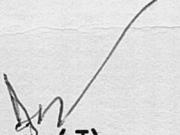
AM

(4)

satisfied if the representation dated 07.10.2005 is decided by the competent authority as per rules within a stipulated period by this Hon'ble Tribunal.

4. After hearing counsel for the parties and without going into the merits of the case, we consider it appropriate that this O.A. can be disposed of at the admission stage itself without calling for counter by issuing a direction to the competent authority in the respondents' establishment to decide the representation dated 07.10.2005 within a specified period.

5. Accordingly, the O.A. is disposed of with a direction to the competent authority i.e. D.R.M., North Central Railway, Jhansi to consider and decide the representation dated 07.10.2005 (**annexure A-IV**) by a reasoned and speaking order as per rules as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. It is further provided that copy of the O.A. may also be treated as part of the representation. No order as to costs.


Member (A)
Member (J)

/M.M. /