

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 22ND DAY OF OCTOBER 2009)

PRESENT

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MR. S. N. SHUKLA, MEMBER- A

ORIGINAL APPLICATION NO. 544 OF 2005.

(U/S 19, Administrative Tribunal Act, 1985)

R.C. Seth son of D.D Seth aged about 67 years, R/o Sant Nagar, Opposite Ram Niwas Advocate Near, Air Force Gate, Izatnagar, N.N.T Road, Bareilly, U.P.

.....Applicants

By Advocate: Shri R.C. Pathak/Shri L.M Singh

Versus

1. Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. The Chairman, Railway Board, Rail Bhawan, New Delhi.
3. Union of India through the General Manager, North Eastern Railway, Gorakhpur (U.P.).
4. The Divisional Railway Manager, D.R.M, Office N.E. Railway, Izatnagar, Bareilly (U.P.).
5. Senior Divisional Personnel Officer (P), D.R.M. Office, N.E. Railway, Izatnagar Bareilly, U.P.

.....Respondents

By Advocate: Shri G. Chaudhary

O R D E R

(Delivered by : Justice A.K. Yog, Member -Judicial)

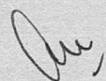
Case called out. Perused the record. Shri Saurabh Advocate holding brief of Shri R.C. Pathak, Advocate representing the Applicant, stated that controversy



involved in this O.A is covered by order dated 13.01.2005 in O.A. NO. 162 of 2002 – R.S. Singh and another Vs. Union of India and others; photostat copy of the said order placed for perusal. Against said order of the Tribunal writ petition No. 56642 of 2005 – (Union of India and others Vs. R.S. Singh and others) was dismissed vide judgment and order dated 23.08.2005. Prima facie, there is nothing to ignore said the learned counsel for the applicant.

2. Requisite pleading find place in para 4.5 of the O.A., wherein the Applicant has pleaded that Circular letter NO. Ka/213/0 dated 12.08.¹⁹⁸⁸ ~~1998~~ was not informed or communicated to the Applicant. Photostat copy of the said Notification is Annexure CR-1 to the counter reply. It contains signature of various persons. There is no categorical averment that it contains signature of the Applicant and had intimation at relevant time. Applicant has filed rejoinder and categorically stated that notification was never circulated in the office of deponent and as such he failed to submit required option.

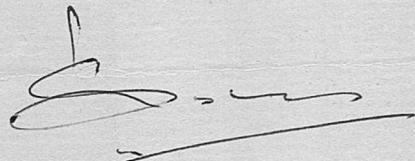
3. In view of the above, respondents are directed to fix pay of the applicant correctly w.e.f. 01.01.1986 and thereafter w.e.f. 01.01.1996. Applicant will also be entitled for arrears accruing on account of pay fixation



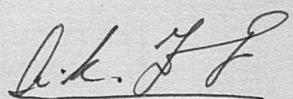
and Respondents are directed to complete exercise within a period of three months from the date of communication of this order.

4. O.A stands allowed subject to direction given above.

No costs.



Member (A)



Member (J)

Manish/-