

(A2) (5)

Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A.No.767 of 1987

Hari Prasad and another ... Applicant

Vs.

Union of India and 7 others ... Respondents.

Hon.D.S.Misra, AM
Hon.G.S.Sharma, JM

(By Hon.G.S.Sharma, JM)

This is a petition u/s.19 of the Administrative Tribunals Act XIII of 1985. As the petition has not been contested on merits, it does not seem necessary to give the full facts of the case here. It will suffice to say that the applicants were appointed as Upper Division Clerk-cum-Typist at the Family Welfare Centres in the Northern Railway Hospitals on different dates and finding that they were not being treated equally in the matter of their pay scales in comparison to some other staff, they made representations to the railway administration but when no heed was paid to them, they filed this petition for a direction to the respondent no.2- the Chairman, Railway Board to review his letter dated 24.12.1986 to include the post of UDC-cum-Typist in Group 'C' working under the Family Welfare Centres of the Railways for their upgradation as Senior Clerks with retrospective effect.

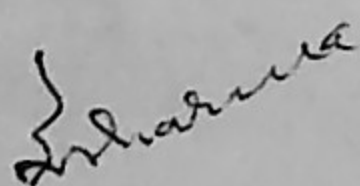
2. In the short counter affidavit filed on behalf of the respondents by the Asstt. Personnel Officer (E), material facts stated by the applicants were admitted and it was pointed out that the Railway Board had already issued a letter dated 17.8.1987 making upgradation and giving other benefits to the UDC-cum-Typist, and the petition filed by the applicants is liable to be dismissed.

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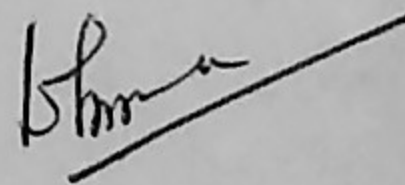
3. In the rejoinder and the written arguments filed by the applicants, they did not dispute the contention of the respondents and simply prayed that the respondents be directed to implement the letter dated 17.8.1987 of the Railway Board w.e.f. 1.4.1986 within ^{the} time allowed by the Tribunal.

4. At the time of arguments before us, the learned counsel for the respondents contended that the respondents must have implemented the letter dated 17.8.1987 of the Railway Board in the meantime. The correctness of this fact was, however, denied on behalf of the applicants and it was stated that the compliance is still awaited. In view of this position, we feel that there is no issue for determination in this case and it is only the implementation of their own order on the part of the respondents.

5. We accordingly direct that the Railway Board's letter No. PC III/86/UPG/16 Pt.I dated 17.8.87 copy annexure I to the counter affidavit be implemented with effect from the relevant date so far as the applicants are concerned within a period of 3 months from the date of the receipt of this order. There will be no order as to costs.



MEMBER(J)



MEMBER(A)

Dated: 8th Dec. 1988
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