

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 7TH DAY OF NOVEMBER, 2000

Original Application No.1528 of 1992

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

1. Gaya Prasad Upadhyaya son of Shri Shiv Phool Chand Upadhyaya Commercial Apprentice at present working as Chief Parcel Clerk, Northern Railway, Allahabad Division, Allahabad.
2. Ashok Kumar Sharma son of Mukesh Lal Commercial Apprentices working as Head Coaching Clerk, Northern Railway, Allahabad Division, Khurja Junction, Northern Railway.
3. Shiv Lal Ambedkar(SC) Son of Late Shri Gunjeshwar Commercial Apprentices working as C.P.C Allahabad Northern Railway, Allahabad.

... Applicants

(By Adv:R.K.Kakkar)

Vers.

1. Union of India through its Secretary Ministry of Railways, Railway Bhawan New Delhi.
2. Chairman, Railway Board, Rail Bhawan New Delhi.
3. General Manager, Northern Railway Baroda House, New Delhi.
4. Divisional Railway Manager, Northern Railway, Allahabad.

... Respondents

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

The applicants are representated by Shri R.K.Kakkar and Shri S.K.Kakkar. Shri R.K.Kakkar has sent his illness slip but Shri S.K.Kakkar has not appeared. On the last date Shri Prashant Mathur had given statement that the controversy involved in this OA has already been decided by Hon'ble Supreme Court and the judgement shall be placed


on the next date. Today Shri Mathur has placed before us judgement dated 6.5.1996 of Hon'ble Supreme court by which the controversy with regard to applicability of memorandum dated 15.5.1987 to the employee from before that date has not been accepted and the view taken by various Tribunals including this Tribunal have been set aside. The operative part of the judgement reads as under:-

"All the appeals, therefore, stand disposed of by setting aside the judgements of those Tribunals which have held that the pre 1987 Traffic/Commercial Apprentices had become entitled to the higher pay scale of Rs.1600-2660 by the force of memorandum of 15.5.1987. Contrary view taken is affirmed. We also set aside the judgement of the Ernakulam Bench which declared the memorandum as illegal

The applicants have also challenged the reversion by order dated 24.1.1996 on the ground that they were not provided adequate opportunity of hearing. Shri Mathur could not justify the order of reversion passed against the applicants without hearing the applicants. For this short ground the impugned order is not sustainable and is liable to be set aside.

The application is partly allowed. So far as the claim based on the memorandum dated 15.5.1987 is concerned, ~~it~~^{it} is rejected. However, the order of reversion is set aside with the liberty to the respondents to pass a fresh order after hearing to the applicants.

There will be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 07.11.2000

Uv/