

CENTRAL ADMINISTRATIVE TRIBUNALALLAHABAD BENCH, ALLAHABAD.Allahabad this the 30th day of August of 2000.CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Biswas, Member (A).Original Application No. 1841 of 1993.

1. A.J. Balfour, aged about 35 years,
S/o Late M.G. Balfour, R/o 3, Muirabad,
Allahabad. Presently working as Asstt. Supytd.
Transportation Branch, Divisional Railway
Manager's Office, Northern Railway, Allahabad.
2. D.P. Singh, aged about 39 years,
S/o Rajbali Singh, R/o Viil. Guhoda,
P/o Ganepar, Distt. Jaunpur, U.P. Presently
working as Head Clerk, Mechanical Branch,
Divisional Railway Manager's Office,
Northern Railway, Allahabad.
3. Kamlesh Gupta, aged about 39 years,
S/o Om Prakash Gupta, R/o 114-B, Badshahi Mandi,
Allahabad. Presently working as Head Clerk,
Personnel Branch, Divisional Railway Manager's
Office, Northern Railway, Allahabad.

..... Applicants.

Counsel for the applicants:- Sri A.K. Sinha.V E R S U S

1. Union of India through the Chairman, Railway
Board, Ministry of Railways, Rail Bhawan,
New Delhi.

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2. The General Manager, Northern Railway,
Baroda House, New Delhi.

3. The Divisional Railway Manager,
Northern Railway, Allahabad.

..... Respondents.

Counsel for the respondents:- Sri A.V. Srivastava.

O R D E R (oral)

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

By this application under section 19 of Administrative Tribunals Act, 1985 applicant has questioned the ^{leg}ality of the order dt.30.01.87 filed as annexure -1, para 2 whereas reads as under:-

" It is clarified that the serving graduate Clerks in scale Rs. 260-400 promoted as Senior Clerks (330-560) against the upgraded posts on the basis of the competitive examination held as per instructions on the subject can get the benefit of upgradation only from the date they were promoted as such, as laid down in para 3 of Ministry's letter No. PC-III/81/ UPG/7 dated 31.07.81. In other words, the benefits of the proforma fixation of pay from 01.10.1980 will not be available to these serving graduate Clerks just as it is not available to senior Clerks recruited directly against the restructured vacancies. In both cases, restructuring would be effective from the date such candidates are appointed to the posts of senior Clerks scale Rs. 330-560 (Rs. 1200-2040)."

The grievance of the applicant is ^{that} on basis of this direction they have been illegally ~~fixed~~ denied the proforma

fixation of pay from 01.10.80. It is also clear from the record that applicants made representations on 05.02.87 and 29.07.87 before the respondent No.3 which have not been decided and still pending.

2. The controversy raised in this application has already been settled by the judgment of Hon'ble Supreme Court in case of Anuradha Mukherjee and ors. Vs. U.O.I. and Ors. J.T. 1996 Vol.3 SC 576. The judgment however was clarified by Hon'ble Supreme Court on 24.02.99 against the contempt petition No. 374/98. In view of the aforesaid judgment we do not think that any thing is required by this Tribunal. In our opinion only direction, which the applicant may be entitled, is that their representation pending before the authority may be decided in the light of judgment of Hon'ble Supreme Court.

3. The application is accordingly disposed of finally with the direction to the respondent No.3 to decide the representation dt. 05.02.87 and 29.07.87 within a period of three months from the date a copy of order is placed before them. In order to avoid delay we shall be open to the applicants to file a fresh application alongwith copy of this order.

4. There will be no order as to costs.

S. Bine
Member (A)


Vice-Chairman.

/Anand/