

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 25TH DAY OF JANUARY, 2002

Original Application No.282 of 1993

CORAM:

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

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

1. Virendra Kumar Srivastava, S/o
Shri Parmanand Srivastava
2. Dhirendra Kumar Maurya, S/o
Shri Ram Adhar Maurya
3. Sunil Kumar Sahu, S/o sri Kundan Lal Sahu
4. Ram prakash S/o Sri bhola Singh
5. Vinod Kumar Srivastava, S/o
Sri Virendra Prasad Srivastava
6. Ram din, S/o Sri Ram lal
7. Ajay Kumar Srivastava, s/o
Late Ravindra Nath Srivastava
8. Dilip kumar Bhadani, S/o Sri Ram Chandra Ram
9. Rajendra Prasad, S/o Sri Gana Ram
10. Arvind Kumar Singh, S/o Sri S.P.Singh
11. Ahibaran Singh, S/o Sri Beche Lal
12. Om Prakash Verma, S/o Sri Ram lal Verma
13. Vinay Kumar Kushwaha, S/o Sri Sarju pd.
Kushwaha
14. Jitendra Singh Sachan, S/o
Sri Kuvar Lal Sachan
15. Ram Jiwan Lal, S/o Sri Chhote Lal
16. Dharmendra Singh, S/o Sri lakhan Lal Singh
17. Parsu Ram S/o Sri Raja Ram
18. S.K.Pandey, S/o Sri D.C.Pandey
19. Ram murat Patel, S/o Sriram Patel
20. Prem Chandra, S/o Sri Ram Vishal
21. S.Zarz, S/o Sri C.J.Zarz
22. Ram charan, S/o Late Sharda Pd.Singh
23. Man Singh, S/o Late Sharda Pd.Singh
24. Arun Kumar Srivastava, S/o
Sri V.N.Prasad Srivastava
25. Abhilash Kumar Mishra,
S/o Sri Nand Kishore Mishra

26. Ram narayan Prasad, s/o Sri Ram Surat Ram
27. Shiv Ram Singh, S/o late Nathu ram
28. Ramdhari, S/o Sri Dukhaharan
29. Vikas Chandra Ghosh, S/o Sri Subodh Chandra Ghosh
30. Harish Chandra, S/o Sri Brij lal
31. Bhola Singh, S/o Sri bechu Singh Kushwaha
32. Paras Nath, S/o Sri Ram Sevak
33. Ganga Prasad, s/o Sri Murli Prasad
34. Madan lal Singh, S/o Sri Kamta Pd.Singh
35. Ghanshyam Singh, S/o Sri Srikishan
36. Anjani Kumar, S/o Late Surendra Singh
37. Anil Kumar Singh, S/o Sri R.Singh
38. Gurudin Patel, S/o Sri Rameshwar Pd.Patel
39. Shiv Pratap Srivastava, s/o late Bhagauti Pd Srivastava
40. Pyarey Lal, S/o Sri Rajjoo
41. Anil Kumar Tiwari, S/o late Surya Nath tiwari
42. Affaq Ahmad, s/o Sri Mansoor Ahmed
43. Samsher Shahi, S/o Sri tappe Shahi
44. Mansubi lal sharma, s/o Sri Moti lal Sharma
45. Maunuddin Khan, S/o Raffiuddin khan
46. Ram sagar Vind, S/o Sri Ram Lal Vind
47. Ghanshyam kumar, S/o Sri tara Chand
48. Durga Pd.Pandey, S/o Sri ram Swaroop pandey
49. Rakesh kumar Kushwaha, S/o Sri G.S.kushwaha
50. Siddique Ahmed, s/o sri Bhuller
51. S.Rafee Uddin, S/o Sri Nizam uddin
52. Rama Shanker Singh, S/o Sri prabhu nath Singh
53. Mantosh Kumar Srivastava,
S/o Sri K.P.Srivastava
54. Pradeep Kumar Chatterjee, S/o Sri P.K.Chatterjee
55. Shiv Ram singh, s/o Sri Munshi Singh
56. Mohd.Aslam S/o Sri Nabi Ullah
57. Kunjan A.A., S/o Sri A.M.Abrahim
58. Ashok Kumar Ojha, s/o Sri Jagannath Ojha
59. Rajiv Prakash, S/o Sri jagat Prakash
60. Rakesh Kumar Srivastava, S/o Sri Babu lal Srivastava
61. Ramesh Chandr gupta, S/o Sri Chhangu lal Gupta
62. Ram singh, S/o Sri beni madhav singh
63. Abrar Ahmed S/o Sri Ish Haqu Ahmed

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64. Kamla Prasad, S/o Sri Ram Adhar Gupta
65. Jagdish prasad, S/o Sri Sidwan prasad
66. Indra Dev, S/o Sri Ram Achal
67. Anil Kumar Srivastava, S/o of Sri K.M.Srivastava

All the persons are working as Electrical Khalasi in class IV (Group D) under the Divisional railway Manager, Northern Railway, Allahabad (and at present posted at Kanpur and Allahabad).

... Applicants

(By Adv: Shri Saumitra Singh)

Versus

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

... Respondents

(BY Adv: Shri A.K.Gaur)

O R D E R (Oral)

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

This OA has been filed by 67 applicants for the relief that the respondents be directed to treat the applicants as Group 'C' employees and to pay salary and other benefits admissible under rules. It is claimed that the applicants though were appointed as Group 'D' employees in pursuance of the advertisement dated 23.1.1983 and 12.5.1986 but the work was being taken from them on Group 'C' posts. The applicants claim is that they were entitled for the same salary which was being paid to Group 'C' employees on the basis of the principle 'Equal pay for equal work' as enshrined in the Constitution.

Shri M.K.Sharma, learned counsel for the respondents ^{on behalf of} has submitted that the Railway Board by circular dated 28.9.1998 (which has been filed as Annexure 1 to the supplementary affidavit by the applicant), this OA has been rendered infructuous, as the relief which has been claimed has already been granted.

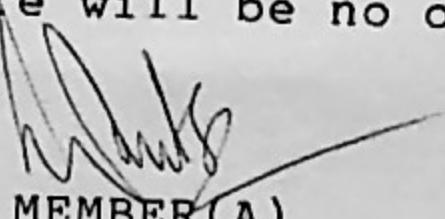
Shri Saumitra Singh, however, has submitted that it is true that the relief has been granted to some extent but the claim of the applicants have been accepted only from 1.9.1998 and in effect the applicants have been given benefit from 1.9.1999. It is also submitted that out of 67 applicants 10 have been left and have not yet been given promotion. It is submitted that in these circumstances, it cannot be said that the OA has been rendered infructuous on account of the relief granted by order dated 28.9.1998.

We have considered the submissions of counsel for the parties carefully. It is not disputed that out of 67 applicants 57 have got relief and they are getting the pay scale of Rs950-1500(Rsd 3050-4590) w.e.f. 1.9.1999. Remaining 10% may get ^{the} same scale as and when the vacancies become available, under the 50% quota provided by order dated 28.9.1998

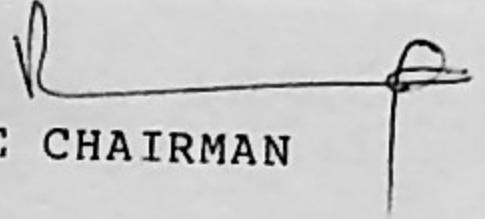
The question, now, however remains regarding payment during the period the applicants have discharged the duties of Group 'C' posts. Such a claim cannot be decided in this OA for want of necessary details. Therefore we may direct that the claim of the applicants with regard to 'equal pay for equal work' shall be inquired into and considered by the respondents individually on a representation being filed by them separately. The representation filed by the applicants shall be considered and the facts shall be inquired and if it is found that they had been discharging the duties of Group 'C'

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employees, they shall be compensated in accordance with
rules, by ^{"The representation shall be decided upon"} a reasoned order. The order shall be passed
after giving opportunity to the applicants in which they
may be entitled to adduce ^{or} their evidence in support of
their claim. There will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: Jan: 25th, 2002

Uv/