

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1177 of 1993

Allahabad this the 09th day of October, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

1. Bishen Lal Prasad, S/o Shri N.D. Hela, R/o 62/4A, Circular Road, Nawada(Ganganagar), Allahabad.
2. Basant Kumar S/o Shri Jagroop, R/o 26E/1/48, Chak Niratul, Railway Crossing, Allahabad.

Applicants

By Advocate Shri K.S. Saxena

Versus

1. The Union of India (Th.General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Allahabad.
3. The Divisional Personnel Officer, Northern Railway, D.R.M. Office, Allahabad.
4. Shri L.P. Agarwal, Head Clerk, Mechanical Branch, D.R.M. Office, Northern Railway, Allahabad.

Respondents

By Advocates Shri Amit Sthalekar (official)
Shri K.N. Katiyar (private)

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O R D E R (Oral)

By Hon'ble Mr. S.K.I. NAQVI, MEMBER (J)

S/ Shri B.L. Prasad and Basant Kumar have come up before the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 for the redressal of their grievance to the effect that their junior - Shri L.P. Agrawal-respondent no.4 is drawing more salary than them inspite of his being junior to them, and, therefore, either the benefit given to the junior and not provided to seniors, be withdrawn or the senior be also given the benefit in salary, so as to the principle, that junior shall not draw more than senior, may be followed.

2. As per applicants case, Shri B.L. Prasad and Basant Kumar are senior to Shri L.P. Agrawal-respondent no.4 and are governed through the same seniority list, copy of which has been annexed as annexure A-2 to the O.A., which mentions the name of applicant no.1 at serial no.97, and applicant no.2 at serial no.100, while respondent no.4 finds his name at serial no.103. It was during 16.9.84 to 24.8.86 that respondent no.4 was promoted as Head Clerk whereas his seniors, the applicants, continued to be Senior Clerks. Consequently, the respondent no.4 drew his emoluments in the scale of Rs.1400-2300 and also officiating allowance, whereas the applicants remained at the same scale without benefit of that increased emoluments, for which they represented to the D.R.M., Northern Railway, Allahabad vide application dated 14.9.92, but without any reply, hence they have knocked at Tribunal.

3. The official respondents (no.1,2 and 3) and the private respondent (no.4) have filed their separate counter-replies, which are based almost on the same nature of pleadings and have opposed the claim of the applicant, mainly on the ground that the respondent no.4 held the post of Head Clerk as local arrangement on ad-hoc basis and as a result of his shouldering the higher responsibility, he was allowed officiating allowance to which he was entitled and the applicants who were working in separate unit, therefore, they could not have this opportunity and consequently, they shall not have any grievance.

4. Heard, the learned counsel for the parties and perused the record.

5. I find it was a matter, which should have been settled by the departmental authorities without giving rise to Court litigation and the ~~repr~~representation submitted on 14.9.92, should have been decided for which there is clear guide lines through Railway Board's letter dated 30.11.90.

6. For the above, I find it a fit matter to direct the respondent no.2 to decide the pending representation of the applicant, copy of which has been annexed as annexure A-1 to the O.A. by passing a detailed, reasoned and speaking order, within three months from the date of communication of this order. No order as to costs.