

Open court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad

Dated: Allahabad, This The 08th Day of August, 2000.

Coram: Hon'ble Mr. Rafiq Uddin, J.M.
Hon'ble Mr.S. Biswas, A.M.

Original Application No. 807 of 1994.

Shri Muinuddin Qureshi
son of Sri Badruddin Qureshi
Asstt. Station Master,
Northern Railway,
Dankaur.

. . . Applicant.

Counsel for the applicant: Sri K.N. Katiyar, Adv.

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.

Counsel for the respondents: Sri A.K. Gaur, Adv.

Order (Open Court)

(By Hon'ble Mr. Rafiq Uddin, Member (J.)

The applicant has sought directions to be issued to the respondents to give him the benefit of revised pay and fitment vide Railway Board's Notification dated 15.5.87 with all consequential benefits after fixation of pay etc on the basis

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of judgments of Allahabad Bench of this Tribunal.

2. Briefly stated the controversy in this O.A. is whether the applicant is entitled to higher grade in the pay scale of Rs.1600-2660 after completing training when he was posted in the year 1987 on working post. It may be stated that the Railway Board vide Circular dated 15.5.87 provided that the recruitment of Traffic/Commercial Apprentices should be made to Grade Rs.1600-2660 (RPS) and Traffic Apprentices should be absorbed as Senior Controller Station Master in the scale of Rs.1400-2600 and on absorption starting pay will be Rs.1600/-. Whereas prior to this Notification the Traffic/Commercial Apprentices manning the supervisory post of intermediate grades they were initially placed in grade of Rs.1040-2300. The applicant has challenged the validity of the Railway Board's aforesaid notification in this O.A.

3. We have heard the arguments of the learned counsel for the parties and perused the pleadings on record.

4. The learned counsel for the applicant has pointed out that the Apex Court in Union of India Versus M. Bhaskar and others reported in (1996)4 S.C.C. page 416 has settled this controversy by holding that the Railway Board's Circular dated 15.5.87 awarding higher pay scale to Apprentices and reducing the period of their training as compared to Traffic/Commercial Apprentices recruited

prior to issuing of circular is not discriminatory of the Article 14 of the Constitution of India and held validity of this circular and consequently set aside the judgments of various Tribunals which have held that pre 1987 pre commercial traffic had become entitled to the higher pay scale of Rs.1600 to 2600. The Apex Court also set aside the judgment of Ernakulam Bench which declared the memorandum as invalid.

5. Since the matter has been settled by the Apex Court we do not find any merit in the O.A. and the same is dismissed.

6. The learned counsel for the applicant has stated that a review petition is pending before the Apex court for the review of this judgment and in case the judgment is reviewed the applicant will have a right to move this Tribunal for review the present judgment. We agree with the learned counsel for the applicant on this point and in case the judgment is reviewed by the Apex Court, the applicant shall have a right to file review petition before this Tribunal. No order as to costs.

S. B.
Member (A.)

D. Jayakrishnan
Member (J.)