Reserved. -7-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.
.....

this the 13th day of March' 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER(J)
HON'BLE MR. S. BISWAS, MEMBER (A)

Original Application no. 464 of 1993.

R.C.Budhiraja, aged about 55 years, S/o Sri K.R. Budhiraja, resident of 390/5, Prem Ganj, Sipri Bazar, Jhansi.

Applicant.

By Advocate : Sri M.P. Gupta.

Versus.

Union of India through the General Manager, Central Railway, Bombay V.T.

2. The Divisional Railway Manager, Central Railway, Jhansi.

Respondents.

By Advocate : Sri A.V. Srivastava.

With

Original Application no. 765 of 1993.

G.S. Thakur, aged about 53 years, S/o late Sri Yadunand Singh, behind Khati Baba, Dildar Nagar, Jhansi.

2. S.S. Bhogal, aged about 53 years, S/o late Sri Jagdish Singh Bhogal, R/o F-197-B, Gulam Gaus Marg, Railway Colony, Jhansi.

3. B.P. Singh, aged about 56 years, S/o late Sri Kamal Singh, R/o 220/4 Naina Garh Nagra, Jhansi.

4. J.S. Bhogal, aged about 54 years, S/o Sri H.S. Bhogal, R/o 575-B Chaman Ganj, Sipri Bazar, Jhansi.

5. Roshan Singh, Sikawar, aged about 58 years, S/o Sri Hottam Singh, R/o B-612, Kalma Nagar, Agra.

Applicants.

By Advocate : Sri S.K. Misra.

Versus.

Union of India through the General Manager, Central Railway, Bombay V.T.

2. The Divisional Railway Manager, Central Railway, Jhansi.

Respondents.

By Advocate : Sri A.V. Srivastava.

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With

Original Application No. 1079 of 1994.

R.P. Ichapuria, S/o P.N. Ichapuria, aged about 58 years, resident of Parsi Dharamshala, Chamanganj, Sipri Bazar, Jhansi.

Applicant.

By Advocate : Sri S.K. Misra & M.P. Gupta.

Versus.

Union of India through the General Manager, Central Railway, Bombay V.T.

2. The Divisional Railway Manager, Central Railway, Jhansi.

3. The Senior Divisional Accounts Officer, Central Railway, Jhansi.

Respondents.

By Advocate : Sri A.V. Srivastava.

O R D E R

RAFIQ UDDIN, MEMBER (J)

Since the question of facts and law are common in three O.As, the same have been heard jointly and are being disposed of by common order.

All the applicants were working as Loco running Staff prior to January 1, 1986. The main grievance of the applicants is that certain other persons including Sri P.N. Srivastava, Sri S.K. Mathur, who also belong to the same cadre and are juniors to the applicants,

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were drawing more pay than the applicants. The applicants have, therefore, filed this O.A. for stepping up of their pays at par Loco Staff Supervisors who are juniors ~~to~~ Rly ~~them~~ having been promoted after 1.1.1986.

The applicants of O.A. 765/93 are working at Jhansi as Loco Supervisors and applicant No.5 Shri R.C. Budhiraja has since retired with effect from 31.1.1993. All the applicants are working in the grade of Rs.2000-3200/- including applicant No.5 at the time of his retirement. The aforesaid other persons Shri P.N.Srivastava and Shri S.K.Mathur and even ~~than~~ their Rly having been promoted after 1.1.1986 in the grade of Loco Supervisors were drawing pay at the rate of Rs.2975/- per month in the pay scale of Rs.2000-3200. The applicants' claim that as per rules and specific order issued by the Railway Board vide letter dated 13.10.1988 and 16.9.1988 the applicants are entitled to get their monthly pay stepped up so as to bring them at par with the aforesaid persons who are admittedly juniors to the applicant in the cadre and grade.

We have heard the parties' counsels and perused the records.

It is pertinent to mention at the out-set that applicant Shri R.C.Budhiraja of O.A.464/93 and Shri R.P.Ichapuria, applicant in O.A.1079/94 were parties to earlier O.A. namely O.A.971/91 which was filed by them along with other similarly situated persons for the same

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relief which has been sought in the present O.A. By order dated 28.6.1999 this Tribunal dismissed the said O.A. No.971/91 holding that the applicants failed to make out any case for stepping up of their pay. Consequently both these applicants cannot be re-agitated the same question by filing a fresh O.A. and the O.A.464/93 and O.A.1079/94 are dismissed being not maintainable.

As regards the case of applicant of O.A.765/93 is concerned the same question was raised before this Tribunal in O.A.971/91 as referred to above which was decided by order dated 28.6.1999. After considering the relevant rules and particularly the provision of rule 1316 of Indian Railway Establishment Code, Vol.II including the decision of the Appex Court in "Union of India Vrs. O.P.Saxena, JT 1997(6) SC page 586 a Division Bench of this Tribunal held that pay of Running Staff on promotion to Loco Supervisor post is fixed under Rule 1316 of Indian Railway Establishment Code, Vol.II. The Ministry of Railway in the letter dated 14.9.1990 has specified that principle of stepping up of pay as referred to in the earlier letter dated-16.8.1988 was subject to codal condition being fulfilled and principle of stepping up as contained in Rule 1316 of Indian Railway Establishment Code Vol.II is to be followed. The Claim of the applicants was not found justified in view of the provision contained in Rule 1316 of Indian

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Railway Establishment Code, Vol.II. Even the Appex Court in O.P.Saxena's case referred to above did not find any justification to apply the principle of stepping up of pay in respect of cases of the applicants.

We do not find any reason to differ from the viewsion expressed by the Division Bench of this Tribunal in the aforesaid case. Consequently the O.A. 765/93 is also devoid of merit and the same is dismissed.

However there will be no order as to cost.

SSH
A.M.

SSH
J.M.