

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 13th day of July, 2001.

CORAM :- Hon'ble Mr. S. Dayal, Member- A.

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

Orginal Application No. 721 of 1995.

1. Bishan Lal Agrawal S/o Sri Gappa Mal a/a 60 years
R/o Rampuri Colony, Khalasi Line, c/o Shanti Devi
(Koyala Wali) Distt. Saharanpur- 247001.
2. Jagdish Chandra S/o Late R.S. Dwivedi a/a 61 years
R/o Vill. and Post- Asalatabad Distt. Farrukhabad.
3. Prakash Chandra, S/o Late Munsi Ram, a/a 65 years
R/o House No. 1656/D-I, New Argun Nagar, Near
Adarsh Ghas Godam, Distt. Saharanpur.
4. Smt. Sudarshan Walia, Widow of Late Mahendra Singh
(Ex-Driver, Goods), R/o House No. 523-A,
Railway Colony, Distt. Saharanpur- 247001.

.....Applicants

Counsel for the applicants :- Sri O.P. Gupta.

V E R S U S

1. Senior D.P.O, Northern Railway Divisional
Office, Abmala Division, Ambala Kantt,
State of Hariyana.
2. Union of India through the General Manager, Northern
Railway, Baroda House, New Delhi.
3. Seva Ram, S/o Sri G. Ram, working as Railway Driver,
Gr.-A. Northern Railway, Distt. Saharanpur.

.....Respondents.

Counsel for the respondents :- Sri A.K. Gaur.

O R D E R (oral)

(By Hon'ble Mr. S. Dayal, Member- A.)

This application under section 19 of the Administrative Tribunal's Act, 1985, has been filed for direction to the respondents to correct the pay of the applicants right from 1975 onwards and to pay difference of salary to the applicants immediately alongwith other benefits.

2. Applicants have claimed that their salary was fixed on promotion of Fireman Grade-B to Diesel Assistant from June, 1974 at Rs. 290/- per month. Their juniors were allowed more salary and applicants' pay were ^{not} fixed at par with them. On promotion as Shunter grade- B, their salary were fixed at Rs. ~~32~~³⁹0/- instead of Rs. 366/- per month. They have claimed that the officials similarly situated namely Parmanand and Raj Kumar had filed suit No. 25/1980 in the court Munsif City, Saharanpur which was transferred to CAT, Allahabad Bench, Allahabad and was registerd as T.A No. 66/87. In the said T.A. respondents were directed to pay the applicants their salary equal to their juniors who were respondent Nos. 4 to 8 in the T.A. The applicants have claimed ^{similar} ~~and~~ benefit here. They have sought the benefits/indirectly contested the reply given to them.

3. We have heard Sri O.P. Gupta, learned counsel for the applicant and Sri A.K. Gaur, learned counsel for the respondents.

4. We find that the reply dated 04.04.1995 (annexure-7) was that the applicants were not the party in T.A 66/87 nor they had authorised to Sri Parmanand and Sri Rajkumar who were applicants in the T.A to plead on their behalf. Therefore, the benefits of the judgement could not be

given to them. The judgement of the Tribunal in T.A 66/87 is, however, to the effect that the applicants were entitled for stepping up of pay at par with their juniors. This aspect ~~has~~ not been examined by the respondents in examining the claim of the applicants. Applicants have filed a couple of representations dated 24.02.1995 and 01.06.1995 making the similar claim on the basis of benefits said to have been given to some of their juniors.

5. The respondents are directed to consider and decide the representation Dt. 24.02.1995 ^{on merits a} by reasoned and speaking order within a period of three months from the date of supply a copy of this order alongwith copy of said representation.
6. There shall be no order as to costs.

Seal No 9

Member- J.

Anand
Member- A.

/Anand/