

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 05th day of April 2002

Original Application no. 839 of 1995.

Hon'ble Mrj Gen K.K. Srivastava, Member A  
Hon'ble Mr. A.K. Bhatnagar, Member J

S.N. Trivedi,  
S/o late Sri Prayag Datt,  
R/o 324/4 Juhi Lal Colony,  
Kanpur.

... Applicant

By Adv : Sri K.S. Saxena

V E R S U S

1. Union of India (Through General Manager),  
Northern Railway, Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Allahabad.
3. The senior Divisional Personnel Officer,  
Northern Railway, Allahabad.
4. The Senior Divisional Operating Manager,  
Northern Railway,  
Allahabad.

... Respondents

By Adv : Sri A. Tripathi

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O R D E R

Hon'ble Maj Gen K.K. Srivastava, AM.

In this OA filed under section 19 of the A.T. Act, 1985, the applicant has prayed for a direction to the respondents to revise the pay of the applicant from Rs. 2040/- per month in the pay scale of <sup>Rs.</sup> 1200-2040 to the appropriate level in <sup>Rs.</sup> Passenger Guard Grade/1350-2200.

2. The facts, in brief, giving rise to this OA are that the applicant worked as Passenger Guard in the grade of Rs. 1350-2200 w.e.f. 27.1.1990 to 30.4.1991, the date on which the applicant retired. A similar controversy was raised in OA 8140 of 1995 which has been decided by this Tribunal on 4.2.2002. Sri K.S. Saxena, learned counsel for the applicant submitted that it is undisputed that the applicant officiated against higher post of Passenger Guard for more than 30 days and he is entitled for fixation of pay in higher grade under rule 913 (B) of IREM Vol I. Learned counsel for the applicant placed before us the order of this Tribunal dated 4.2.2002.

3. We have gone through the order of this Tribunal dated 4.2.2002 and find that the arguments advanced by the applicant and also by the respondents are similar. The documents relied upon are also same and ~~the~~ since this controversy has already been decided, the applicant is entitled for the same relief. The impugned order dated 11.7.1994 has already been quashed by the order of this Tribunal dated 4.2.2002.

4. For the above, we are in respectful agreement with the decision of this Tribunal in OA 840 of 1995 and allowed <sup>in</sup> this OA.

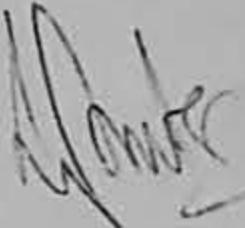
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The respondents are directed to fix the salary of the applicant for the period from 27.1.1990 to 30.4.1991 taking into account the provision of para 1913 (B) of IREM Vol. I within a period of 6 months from the date of communication of this order and pay him arrears after adjusting 15% allowance if already paid to him. The pension of the applicant shall also be recalculated and the arrears shall be paid within the same period.

5. There shall be no order as to costs.



Member (J)



Member (A)

/pc/