

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated: This the 03<sup>rd</sup> day of ~~SEPTEMBER~~ <sup>October</sup> 2005.

Original Application No. 132 of 2000.

Hon'ble Mr. K.B.S. Rajan, JM  
Hon'ble Mr. A.K. Singh, A.M.

1. Kaptan Singh, S/o Sri Ram Pal Singh
2. Khem Karan, S/o Sri Ganpat Ram
3. Bishan Lal, S/o Sri Pyare Lal
4. Kali Charan, S/o sri Brij Lal
5. Sushil Kumar Saxena, S/o K. Chandra
6. Ajai Kumar, S/o Sri K. Lal
7. Prem Singh, S/o Sri V.B. Singh
8. Bhajan Lal, S/o Late Ram Prasad
9. Mohd. Miyan, S/o Sri Ahmad Miyan
10. Om Prakash, S/o Sri Ganga Ram
11. Ashok Kumar, S/o Sri Ram Swroop
12. Ramesh Chandra, S/o late Narendra Kumar
13. Bhagwan Sahu, S/o Sri Kasdroo Sahu
14. Ragho Ji Sharma, S/o Sri Bansh Bahadur
15. Surendra Singh, S/o late Lakshman Singh
16. Om Prakash, S/o Sri Kapil Deo
17. Alfred Singh, S/o Sri Albert Singh

.....Applicants

By Adv: Sri T.S. Pandey

V E R S U S

1. Union of India through its Ex-officio Secretary and Chairman, Railway Board, Baroda House, Rail Bhawan, NEW DELHI.
2. General Manager, N.E. Railway, GORAKHPUR.
3. Chief Mechanical Engineer, GORAKHPUR.
4. Divisional Mechanical Engineer (Power), North Eastern Railway, BAREILLY.

5. Divisional Railway Manager, N.E. Rly.,  
Izzatnagar, Division,  
BAREILLY.
6. Senior Divisional Personnel Officer,  
N.E. Rly, Izzatnagar Division,  
BAREILLY.

.....Respondents

By Adv: Sri P. Mathur

O R D E R

By K.B.S. Rajan, JM

For Applicant - Sri T.S. Pandey.

For Respondents - Sri P. Mathur (absent).

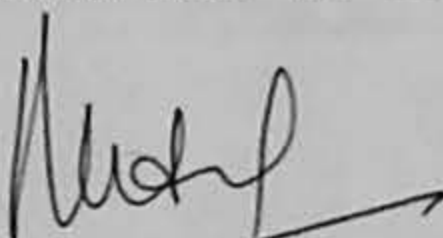
Invoking provision of Sec 16 of CAT (procedure)  
Rules 1987 this OA is disposed of.


2. The applicants have prayed for quashing of office order dated 2252 and 2253 dated 29.12.1999 with a further order or direction to the respondents to post the applicants either on the post of Diesel Assistant or on the post of Fireman Grade I with attendant allowances etc. The applicant's counsel submits that an identical issue was decided by this Tribunal vide order dated 7.4.2005 in OA 111/2000 a copy of which has been made available for perusal. On perusal of the said order it is observed that the very same order 2252 and 2253 dated 29.12.1999 were under challenge in the said OA and this Tribunal passed the following order:-

"11. In view of the above the OA succeeds. The respondents are directed to accommodate the applicants as Diesel Assistant either in their own Division or elsewhere. Their pay would be fixed notionally w.e.f. January, 2000 in the scale of pay of Rs. 3050-4590 and actually from the date they assume duties as Diesel Assistant. Seniority in respect of the applicants in the grade of Diesel Assistant should be as worked out in the case of those who were transferred to Varanasi Division.



12. As regards payment of Running Allowance, the same would be applicable for those periods when they had actually run as held in the case of Dilbagh Singh (Supra) and the extent of running allowance would be as applicable for Diesel Assistant albeit the applicant would have only worked as Khalassis. Needless to mention that in case the applicants had not performed duties of running staff from January, 2000 allowance.
13. The exercise involved in complying with this order shall be completed by the respondents within a period of six months from the date of receipt of copy of this order."
3. The above order shall hold good in this case as well. The respondents are directed to afford the applicant in this OA the same benefit as available to in the applicants in OA 111/2000. Time calendared for completion of the exercise in compliance of this order is four months from the date of communication of this order. No costs.

  
Member (A)

  
Member (J) "

/pc/