

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Contempt Application No. 57 of 2004

In

Original Application No. 1097 of 2003

Allahabad this the 12th day of January, 2005

Hon'ble Mr.V.K. Majotra, Vice Chairman
Hon'ble Mr.A.K. Bhatnagar, Member (J)

1. Ram Ashrey, aged about 54 years, Son of Sattidin, Resident of Out House No.4/E, Loco Jamunia Bag Colony, Kanpur.
2. Chhotey Lal aged about 48 years, Son of Ram Sewak Resident of Pump House No.952, Loco North Colony, North Central Railway, Kanpur.
3. Daya Ram, aged about 47 years, Son of Ram Dulare Resident of Plot No.1411, Hanumant Bihar Naubasta Kanpur.
4. Ram Chandra, aged about 48 years Son of Brahmadin, Resident of Kouri, Post Koro, District Allahabad.
5. Shiv Nath, aged about 45 years, Son of Parmeshwar Resident of Village Durgaganj, P.O. Mauza Badahar, District Fatehpur.

Applicants

By Advocate Shri B.N. Singh

Versus

Sri Prakash, Divisional Railway Manager, North Central Railway, Allahabad.

Opp. Party

By Advocate Shri A.K. Pandey

O R D E R (Oral)

By Hon'ble Mr.V.K. Majotra, V.C.

The O.A.No.1097/03 was disposed of vide order dated 17.09.2003 (annexure A-1) with the following observation/direction to the respondents:-

"By this application u/s 19 of A.T. Act 1985 applicants have prayed that the respondents be directed to pay them salary in the scale of Rs.260-400(950-1500) as directed by Railway Board dated 13.11.1982, 2.12.1982 and 15.12.1982. This question came for consideration of this Tribunal in O.A.No. 1112/90 which was decided by this Tribunal on 3.4.2000 and in O.A.No.260/94 which was decided on 11.4.01. The claim of the applicants are that they are serving as Valvemen and are entitled for the scale applicable to them i.e. Rs.260-400(950-1500). It is also submitted that in pursuance of the order of this Tribunal the above scale has been given to the Valvemen earning in Varanasi and other places.

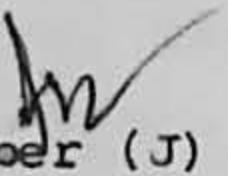
Considering the facts and circumstances, we dispose of this O.A. Finally with the liberty to the applicants to make representation before respondent no.2, D.R.M., Allahabad to fix their salary in the scale of Rs.260-400(950-1500). The representation shall be filed by the applicants within two weeks which shall be considered and decided in the light of the judgment of this Tribunal within three months. There will be no order as to costs."

2. Referring to respondents order dated 12.08.2004 (annexure C.A.-1) stated to have been passed in pursuance of Tribunal's order dated 17.09.2003, learned counsel of the applicants stated that respondents have not accorded the benefit of scale of Rs.260-400(950-1500) w.e.f. 01.08.82 in terms of Tribunal's decisions dated 03.04.2000 and 11.04.2001 in respect of O.A.No.1112/90 and O.A.No.260/94 respectively. Learned counsel pointed out that the

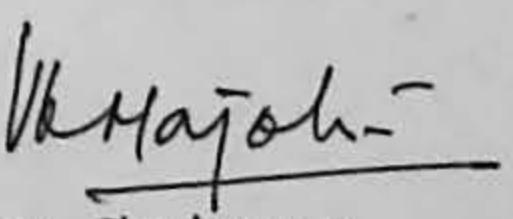
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respondents have accorded the scale of Rs.260-400
(Rs.950-1500) w.e.f. 01.10.2003 instead of 01.08.1982.

3. To a suggestion that respondents should pass fresh orders in supersession of orders dated 12.08.2004 (annexure C.A.-1) considering the decisions in two O.As, referred to above, and also applicant's representation dated 09.09.2004 by a detailed and speaking order, Learned counsel for the respondents ~~has~~ agreed that respondents would do so. As such, respondents are directed to pass a fresh, detailed and speaking order in the light of Tribunal's aforesaid Judgments dated 03.04.2000 and 11.04.2001 expeditiously and preferably within a period of 2 months from the date of communication of this order. The present proceedings of contempt are dropped and notice issued to the respondent is discharged. However, the applicant shall ~~have~~ ^{be} at liberty to revive the contempt application on remaining aggrieved.


Member (J)

/M.M./


Vice Chairman

12.10.05