

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 748 OF 2003

ALLAHABAD, THIS THE 17th DAY OF JULY, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)
HON'BLE MR. D. R. TEWARI, MEMBER (A)

Mohd. Nawab,
s/o Abrar Hussain working as helper Khalasi
in carriage and wagon department Jhansi Division,
North Central Railway, r/o Azad Nagar Bhatta Gaon,
Jhansi U.P.

.....Applicant

(By Advocate : Shri H.P. Pandey)

V E R S U S

1. Union of India through the General Manager,
North Central Railway Hdg's Office,
Allahabad.
2. Divisional Railway Manager,
North Central Railway, Jhansi Division,
DRM's Office Jhansi.
3. Shiv Charan Desh Raj working as helper Khalasi,
under senior section Engineer Jhansi Division,
through DRM(P) Jhansi,
North Central Railway.
4. Hari Shankar,
s/o Mool Chand Helper Khalasi through DRM(P),
Jhansi Division, Jhansi,
North Central Railway.

....Respondents

(By Advocate : Shri K.P. Singh)

O R D E R

Hon'ble Mrs. Meera Chhibber, Member (J)

By this O.A. applicant has sought the following reliefs:-

- " (a) direct the respondent No.2 to consider applicants representation pay fixation of the applicant during entire period of service and correct the same in accordance with rules.



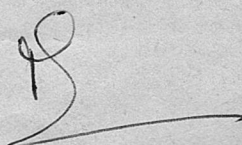
...2/-

- (b) further direct the respondents to pay arrears of difference of pay after correct fixation at par with his juniors.
- (c) issue any other direction or orders as deemed fit under the facts and circumstances of the case."

2. Grievance of the applicant in this case is that he had been working as Casual Labour w.e.f. 05.05.1978 in Carriage and Wagon Department on Jhansi Division which is now under the North Central Railway. Since he had completed 120 days, he became to be entitled to be given the scale of MRCL but, since the same was not been paid to him, he filed a case bearing number 45/88 under the payment of Wages Act 1936 in the court of prescribed authority, which was decided in his favour on 15.11.91 (Pg.10) whereby respondents were directed to pay within 30 days an amount of Rs.6,000/- on account of differences and wages and Rs.6,000/- as compensation apart from Rs.100/- of cost.

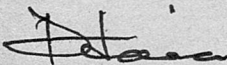
3. It is submitted by the applicant that respondents paid the said amount to the applicant but till date they have not fixed his salary as it ought to have been. Therefore, being aggrieved, applicant even gave a representation to the authorities on 12.04.1999 (Pg.17) followed on 23.03.2002 (Pg.19) but till date neither respondents have fixed his pay properly nor they have passed any orders on the said representations. Therefore, he had no other option but to file the present O.A.

4. Counsel for the respondents was seeking time to file the reply but it is seen that respondents ^{have B} ~~are~~ not even applied their mind to the facts as stated by the applicant in his



representation and they have not ~~been~~ passed any final orders
thereon. ^{Therefore B} I do not think it necessary to call for reply at this
stage from the respondents. But on the contrary I feel it would
be better ^{if} ~~that~~ this case is ~~being~~ disposed off at the admission
stage itself, by giving a direction to the respondents to apply
their mind to the facts as narrated by the applicant in his
representation and the present O.A. by treating the same as a
full fledged representation and then to pass a reasoned and
detailed order thereon within a period of 3 months from the date
of receipt of a copy of this order under intimation to the
applicant.

5. With the above direction, this O.A. is disposed off
at the admission stage itself with no order as to costs.


Member (A)


Member (J)

shukla/-