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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.315 OF 2007

ALLAHABAD THIS THE 8TH DAY OF MAY 2008

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J
HON'BLE MR. K. S. MENON, MEMBER-A

Hemant Kumar Shukla,
Aged about 37 years,
Son of Shri Satya Narain Shukla
Resident of E.W.S. 448 A.D.A. Colony
Neem Sarai, Allahabad, working as
Senior Section Engineer Drawing/Design in the
Office of P.C.E. North Central Railway, Head Quarters,
Allahabad.

..... .Applicant

By Advocate : Sri A.D. ^{V Prakash} Singh, Shri A.K. Dave

Versus

1. Union of India through General Manager,
Central Railway Head Quarter's Office
CST Mumbai.
2. General Manager, North Central Railway,
Head Quarters Office, Allahabad.
3. Chief personnel Officer,
North Central Railway,
Head Quarter's Office, Allahabad.

..... .Respondents

By Advocate : Sri A. Tripathi

O R D E R

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J

Heard Shri A. D. Prakash and Shri A. K. Dave
learned counsel for the applicant and Shri A.
Tripathi, learned counsel for the respondents as well
as perused the pleadings on record and the documents
annexed therewith. Having gone through the pleadings
and submissions of the learned counsel for the

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applicant, we find that the applicant holds degree in Engineering; thereafter he was appointed as JE-I in the grade of Rs.5500-9000; he is entitled to the pay scale of Rs.6500-10500 as per circulars issued by the respondents from time to time; he has been illegally and arbitrarily deprived of the same and in support of his case he refers to the letter dated 28.09.1998 (Page 33 of compilation II of this OA).

2. The learned counsel for the respondents on the other hand referred to paragraph 23, 24, 25 of the counter reply as well as Annexure CA-4 i.e. letter dated 4/5.04.2002 addressed to the Director (Estt)/RRB Ministry of Railways, Railway Board, New Delhi sent by Chief Personnel Officer (IR) to point out that claim of the applicant for the salary in pay scale of Rs.6500-10500 is not in consonance with the stand taken by the respondent department who contend that the applicant is not entitled to the pay in the grade of Rs.6500-10500.

3. We propose to decide this OA on a short note, without going into merit of rival contentions of the parties noted above.

4. By means of this O.A. the applicant has assailed/impugned the order dated 5/10.04.2006 (Annexure A-3 particularly page 29 of the OA) which shows that the circular dated 28.09.1998 (referred to above).

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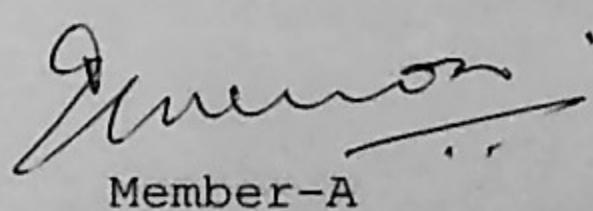
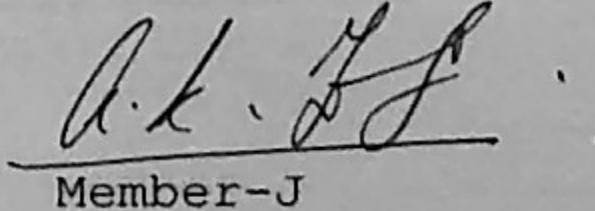
5. Learned counsel for the applicant submits that the impugned order does not refer to subsequent circulars (by way of clarification on the subject from time to time) and the same have been ignored. Learned counsel for the respondent does not dispute it.

6. In view of it the impugned order dated 05.04.2006 cannot be sustained and liable to be set aside with direction to the concerned competent authority to consider the grievance of the applicant afresh in view of all the relevant circulars up to date (including order dated 28.09.1998) on the subject.

7. Accordingly, the applicant is directed to file within four weeks from today, a comprehensive representation (raising all his contentions/pleas before the concerned competent authority) along with a copy of this order and the concerned competent authority shall decide in accordance with law the grievance of the applicant within a period of two months of the receipt of the said representation; if filed as stipulated above. Decision taken shall be communicated forthwith to the applicant.

4. The OA stands allowed with the above observations/directions.

No order as to costs.


Member-A
Member-J

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