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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

PRESENT:

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A**

Allahabad this the 23rd day of September, 2008

Original Application No. 870 of 2007

1. Noor Alam, S/o Sri Badullah.
2. Mohd. Karim, S/o Mohd. Yusuf Khan.
3. Pateshwari Prasad Bhatt, S/o Sri Jokhan Prasad Bhatt.
4. Jagdamba Tiwari, S/o late Sri Gyan Tiwari.

...Applicants.

By Advocate : Sri R.S. Prasad.

Versus

1. Union of India through the Secretary, Ministry of Railways, New Delhi.
2. The G.M., N.E.R., Gorakhpur.
3. D.R.M. (Karmik) N.E.R., Lucknow Division, Lucknow.
4. Sr. Divisional Personnel Officer, N.E.R., Gorakhpur
5. Om Prakash Tiwari, S/o Sri Ram Narain.
6. Mukesh Kumar Srivastava, S/o Sri RKL Srivastava.
7. Vijay Kumar Upadhyay, S/o Sri Brijesh Narain Upadhyay
8. Hridya Prakash Pandey, S/o Sri B.N. Pandey.
9. Rakesh Kumar Srivastava, S/o Sri R.C. Srivastava

By Advocate : Sri P.N. Rai ...Respondents.

ORDER

Delivered: By Justice A.K. Yog, Member-J

Heard learned counsel for the parties.

Statement was made on behalf of learned counsel for the applicants that this case is fully covered by final order of this Tribunal passed in O.A. no. 1124 of 2005 (Basudeo Pandey & Others Vs. Union of India & Others). Learned counsel for the applicants, in

addition to the above, stated that in the case of present applicants a panel was also prepared (which is not in accordance with Rules interpreted by this Tribunal vide aforesaid judgment dated 4.6.2008), hence it is argued that it may be clarified that such panel may not be given effect to and respondents may be directed to comply with the directions in terms of judgment dated 4.6.2008, referred to above. We find no occasion to clarify the order.

2. In the present case, applicants have challenged order dated 7.10.2002, notification dated 19.10.2006 and panel dated 13.12.2006 (Annexure nos. 6, 9 and 10 respectively to the O.A.). Learned counsel for the applicants admits that there was no interim order which show that the panel dated 13.12.2006 was not stayed by this Tribunal in the present O.A. We are sure as to whether the said panel was stayed by the Tribunal or any other Court in proceedings initiated by other persons, who have similarly situated as applicants in this O.A. Be that as it may, we find that even if panel dated 13.2.2006 is not set-aside, it has not been given effect to. Our order dated 4.6.08 has to be given effect to in letter and spirit and the applicants, who have been non-suited because they were illegally deprived benefit contemplated vide order dated 4.6.2008 in O.A. no. 1124 of 2005 and illegality has to be done alongwith

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accordance with the observations made in the aforementioned decision in O.A. no. 1124 of 2005.

3. The present O.A. is also allowed on the same terms and conditions as has been given in O.A. no. 1124 of 2005 (Basudeo Pandey & Others Vs. Union of India & Others).

4. There shall be no order as to costs.

Manjulika Gautam
(Manjulika Gautam)
Member-A

Girish/-

A.K. Yog
(A.K. Yog)
Member-J