

11. ORDER DATED 14-9-2001.

Heard Shri H.M.Dhal, learned Counsel for the Applicant and Shri R.C.Rath, learned Additional Standing Counsel for the Respondents.

Initially, 9(nine) applicants had filed this O.A. Learned counsel for the applicant had filed Misc.Application No.717/2001 which was disposed of in order dated 7-9-2001. In that M.A., Applicants prayed that names of applicant Nos.1 to 4 and 6 to 9 may be deleted from the cause list as these eight applicants have already received the reliefs at the hands of the Departmental Authorities. Thus, the present original Application is concerned only with Applicant No.5.

In this original Application, the applicant has prayed for a direction to the Respondents to give him the differential pay and allowances on the basis of the orders at Annexures-1, 2 and 4. Respondents have filed counter and I have perused the pleadings. For the present purpose, it is not necessary to go into too many facts of this case. The applicant joined as casual labourer and in due course, he was regularised in the permanent establishment of the Railways. Annexure-1 is the order dated 26.4.1989 directing that casual labourers who are covered under this circular and who have already been regularised their date of regularisation should be put back to 1.4.1973. According to order at Annexure-2, service of applicant No.5 is regularised w.e.f. 1-4-1973. Applicant's prayer is for getting differential salary and other allowances from 1.4.1973. Respondents in their counter have admitted that the service of applicant no.5 was regularised from 1.4.1973 by dating back his date of regularisation. It has

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been submitted by learned ASC that as old records are not available , it is taking time for calculating the variance and paying the same to the applicant. In the counter one year time from the date of filing of counter has been asked for, for making payment of arrears to applicant no.5. Counter has been filed on 21.5.1999 and two years have already passed. I also note that 8 other Applicants who are contemporaries to Applicant No.5 as has been mentioned by the learned Counsel for the applicant have already received their arrears. In view of this, it should not be difficult for the Respondents to locate the papers and pay the arrears as admissible and due under the Rules to the Applicant within a period of 60(sixty) days from the date of receipt of a copy of this order. I order accordingly.

In the light of the above direction, the original Application is allowed.No costs.

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(SOMNATH SOM)
VICE-CHIEF JUDGE

KNM/CM.