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Order dated 2.4.2002

Heard Shri N.Panda, the learned counsel for the Applicants, Shri D.N.Mishra, learned Standing Counsel appearing for Respondent No.2 and Shri P.K.Mishra, learned Addl. Standing Counsel appearing for Res.3. A counter has also been filed in this case on behalf of Res. 1 and 3.

Two Applicants, viz., S/Shri Sachin Lenka and Nasir Khan, who were engaged in the Construction Organisation of the Railways from 1968, were taken to Open Line of the Railways w.e.f. 9.10.1994. At the time of their placement in the Open Line they were receiving their salaries in the pay scale/grade of Rs.950-1500/- in the Construction Organisation. During their continuance in the Open Line Organisation of the Railways w.e.f. 9.10.1994 till January/1998, they were paid their salaries in the lower scale/ pay grade of Rs.750-1100/-. After January, 1998, they have been taken back to Construction Organisation where they are continuing to draw their salaries in the scale/pay grade of Rs.950-1500/-. In the present Original Application they have raised a grievance that during the period from 9.10.1994 till January/1998, they were paid their salaries in the lower scale/pay grade of Rs.750-1150/- in the Open Line Organisation, although they were entitled to get their salaries in the pay scale/grade of Rs.950-1500/-. It is the case of the Applicants that they were taken to Open Line in the interest of the Railways and discharging the same nature of duties as they were doing in the

Construction Organisation; and therefore, there are no reason to pay them salaries in ~~the~~ a lower scale of pay/grade. Shri Panda, the learned counsel for the Applicants drew my attention to the decisions of this Tribunal rendered in O.A. Nos. 651/97 and 135/98 (in the cases of Kirtan Panda & seven others vs. Union of India and Uchhab Rout & three others vs. Union of India & Ors. decided on 29.9.1999 and 8.8.1999, respectively) wherein similarly placed persons were given the relief and as a result thereof, such similarly placed persons were allowed to draw their salaries in the pay scale/grade of Rs.950-1500/-, for the period they rendered service in the Open Line Organisation of the Railways.

I have carefully considered the submissions made by the learned counsels for the parties and also examined the decisions cited by Shri Panda. The applicants herein being similarly circumstanced as that of the applicants in the aforementioned O.As (as cited by Shri Panda), there is no reason to take a different view from the view already taken by this Tribunal in those O.A.s.

In this view of the matter, Respondents (Railways) are hereby directed to grant the applicants pay scale/grade of Rs.950-1500/- for the period from 9.10.1994 till January/1998, during which they were working in the Open Line Organisation and consequently/differential arrears of pay for the said period, within a period of 90 (Ninety) days from the date of

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

receipt of copies of this order. The applicants will also be entitled to all consequential benefits arising out of they, having worked in the Open Line.

This Original Application is accordingly allowed, but without any order as to costs.

[Signature]
02/04/2002
MEMBER (JUDICIAL)

Copies of order
may be served to
the Compt. for
both sides.

[Signature]
10/4/02

[Signature]
10/4/02
Secy,

Copies of order may
be served to the Compt.
for both sides

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