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O.A.NO. 729 / 2002.

ORDER DATED 16-08-2002.

Heard. Perused the Office note. This Original Application be registered and a number be given.

Labie
16/08/2002
MEMBER (JUDICIAL).

ORDER DATED 16-8-2002.

Heard Mr. N. R. Routray, learned Counsel for the Applicant and Mr. D. N. Mishra, learned Standing Counsel for the Railways (on whom a copy of this Original Application has been served).

Applicant's service was regularised in Gr. D post under the Railways. Later, on the strength of the instructions issued under Annexure-1 dated 26-4-1989 the said regularisation in Gr. D post of the Applicant was antedated to 1-4-1973 under Annexure-2 dated 6-7-1993. Non-payment of arrear differential wages w.e.f. 1-4-1973 is the subject matter of grievance in this Original Application under section 19 of the Administrative Tribunals Act, 1985. It appears from Annexure-1 dated 26-4-1989 that pay of the Gr. D officials whose regularisation had been antedated w.e.f. 1-4-1973 was to be fixed in appropriate regular scale of pay w.e.f. 1-4-1973. Relevant portion of Annexure-1 dated 26-4-1989 is extracted below for ready reference:-

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O.A.NO. _____ /2002.

Order dt.16-03-2002.

Pay of those whose date of regularisation would thus be put back to 1.4.1973 should be fixed in the appropriate regular scale of pay w.e.f. 1.4.1973 and difference of pay and allowances due and drawn, if any be paid.

On the face of the aforesaid clear position as given out under Annexure-1 dated 24.6.1989, the Applicant who is entitled to the arrear differential wages w.e.f. 1-4-1973, because ~~of~~ for the reason of the following directions given under Annexure-1 dated 26-4-1989, -

absence and/or breaks in casual service on or after 1-4-1973 of those who fulfilled the above conditions, if any, may be regularised by grant of leave/extraordinary leave which would be entitled to on regularisation of casual service.

However, it is to be noted that mere existence of a right/claim, is not enough to rush to the Court/Tribunal for redressal. One must try to redress his grievances before his authorities and, in the event the authorities do not redress the grievance, then only one can approach the Court/Tribunal. In the aforesaid premises, this Original Application is disposed of by granting liberty to the Applicant to make a representation to the Respondents enclosing a copy of this order, within a period of 15 days, praying for payment of differential wages and, in the event of such representation is made, the Respondents are directed to consider for payment of arrear differential dues of the applicant, as due and admissible under the Rules, within a period of 60 days from the date of receipt

4
contd.. Order dt. 16.8.2002

of such a representation as directed above. There shall be no order as to costs.

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 16/08/2002

Copy of order
dt. 16/8/02 issued
to the Counsel
for both side.

[Signature]
S.O.

Order dated 12.11.2002.

MA No. 994/2002.

[Signature]
22/8/02
Disposed matter
M.A. 994/02 for
consideration.
Copy served.

Bench

[Signature]
11/11/02

Heard Ld. Counsel for
both sides on MA No. 994/02.
Prayer for extension of time
to comply the order of this
Tribunal dt. 16.08.2002 was
considered and in the facts
and circumstances mentioned
in the MA time is allowed till
31.01.03 to comply the order
dated 16.8.02. Mr. Rath, Ld.
Standing Counsel for the
Railways/Respondents also