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23 MAY 2016

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. NO.260/00 372 /2016

1. Sri Sanjay Kumar aged about 42 years S/O- Sri Jagadamba Prasad of Qr. No.CS-6/B, near water pump Railway Colony, Cuttack presently working as Tower Wagon Driver Gr.I in the O/O-SSC/OHE, Cuttack.
2. Sri Subhasish Mukharjee aged about 44 years S/O-Late Pareshnath Mukharjee of TRD2/2 Railway Colony near Raja Athagarh Railway Station PO- Khuntuni Dist-Cuttack, presently working as Tower Wagon Driver Gr.I in the O/O- S.S.C OHE, RJGR.
3. T.V.Choudary aged about 38 years S/O- T.Narasimha Rao of Qr. No.429/B, Ratang Colony, Jatni, Khurda Road presently working as Tower Wagon Driver Gr.II in the office of SSC/OHE, Khurda.
4. Gouri Sankar Palai aged about 38 years S/O Sudarsan palai of RE-Type-II Rahama Railway Colony, Jagatsinghpur presently working as Tower Wagon Driver Gr.III in the office of SSE/TRD- Rahama.
5. R. Chandra Sekhar Rao aged about 47 years S/P- Late R. Chinnayya of RF Type-II-4-B, Rahama Railway Colony,

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Jagatsinghpur, presently working as Tower Wagon Driver
Gr.III SSC/TRD-Rahama.

6. Sk. Meherul Islam aged about 45 years S/O- Sk. Khaliar Rahaman of Bara Astana Sepoy Bazar, AT/PO-Mednipur, Dist-Paschim Midnapur, West Bengal, presently working as TWD, Gr.II, Bhubaneswar, SSE/OHE, Bhubaneswar.

7. Abhay Kumar Jena aged about 38 years S/O- Nenguti Jena At- Gudipatia PO-Sargada Mukurdapur presently working as Tower Wagon Driver Gr.II in the office of SSC/OHE, Keonjhar AT/PO- Gтур, TRD-Type-II-19-B Dist-Keonjhar.

8. K.Brundaban Patro aged about 36 years S//O-Late K. Sanyasi Patro of Vill/PO-G.Ganda Palli PS-Rambha Dist-Ganjam presently working as Tower Wagon Driver Gr.III RE/TY-2 B-4, Railway Colony, Jajpur Keonjhar Road.

9. Mohammad Kudus aged about 52 years S/O- Md. Isaquesak At-Ratipur, PO-Tantia Dist-Khurda presently working as Tower Wagon Driver Gr.II in the office of SSC/OHE/TMKA.

10 Arjun Singh aged about 43 years S/O- Birendra Singh , residing in Railway Quarter No.Type-II/C, presently working as Tower Wagon Driver Gr.I in the office of TRD, Bhadrak, Charampa, Bhadrak.



11. Kaushal Kishore aged about 38 years S/O- Ganesh Mandal of Vill-Ganedih Po- Nayagaw PS- Girhor Dist-Jamuni , Bihar presently working as Tower Wagon Driver Gr.II in the office of SSC.OHE-Sakhigopal(SIL).

12. Khitish Mohan Bramha aged about 40 years S/O- S.N. Rajguru of 01/03 Railway Quarter PO- Khuntuni Rajaathagarh, Railway Colony Dist-Cuttack presently working as Tower Wagon Driver Gr.III in the office of SSC/OHE- Rajaathgarh.

13. Nirmal Kumar Prusty S/O Late Bhramarabar Prusty AT-Nadhra Naya Indove Road Dist- Dhenkanal presently working as Tower Wagon Driver Gr.I in the office of SC/OHE- Talcher.

14. T.V. Srinivasa Rao aged about 43 years S/O-T. Suryanarayana of Railway Quarter Type-III/B, Charampa, Bhadrak presently working as Tower Wagon Driver Gr.II in the office of SSE/OHE, Bhadrak.

15. B. Srinivasa Rao aged about 49 years S/O- V. Trinath Rao presently working as Tower Wagon Driver Gr.I in the office of SSE/OHE/Talcher Dist- Anugul.

16. Sk. Abdus Sazaque S/O- SK.Abdus Sator of Railway Quarter-331/C Retang Colony , Jatni, Khurda Road presently

working as Tower Wagon Driver Gr.II in the office of SSE/OHE/Khurda.

17. Baikhunthanath Patra aged about 40 years S/O- Duryadhan Patra AT-RE-Type-II, A-1, Railway Station Road, Balugaon presently working as Tower Wagon Driver Gr.II in the office of SSE/OHE/Balugaon.

18. P.Srinivas Rao aged about-41 years S/O-Late P. Mallesu Quarter- RE Type-III A/2, Railway Colony Road Balugaon Dist- Khurda presently working as Tower wagon Driver Gr.I in the office of SSE/OHE, Baugaon.

19. Simanchalam Behera aged about 35 years S/O- Gunanu Behera Mahaveer Nagar, L-II, Railway Station, Chhatrapur, Ganjam presently working as Tower Wagon Driver Gr.I in the office of JE/OHE/CAP.

20. Debraj Dalai aged about 42 years S/O- Jogindra Dalai Quarter No.18/13, TRD Colony, Dist-Keonjhar presently working as Tower Wagon Driver Gr.III in the office of SSE/OHE, Keonjhar.

All the applicants are working under the East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda

..... Applicants



-VERSUS-

1. Union of India represented through the General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar Dist- Khurda.
2. The Secretary (Estt), Ministry of Railways, Railway Board, New-Delhi.
3. Chief Personnel Officer, East Coast Railways Bhubaneswar Dist- Khurda.
4. Deputy Director, Pay Commission-V, Ministry of Railways, Railway Board, Room No-305-B.P.Maidan New-Delhi-110001.

..... Respondents

[Large handwritten signature or mark at the bottom left]

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ORDER (ORAL)
Dated 26.05.2016

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. B.Dash, Ld. Counsel for the Applicants, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. Applicants, 20 in number, have filed M.A. No. 332/2016 under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987 for joint prosecution of this case. Having heard Mr. Dash, Ld. Counsel for the applicants, applicants are allowed to prosecute this case jointly subject to payment of Rs. 50/- per applicants except applicant No.1.

3. This O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

“a The Original Application may be allowed.

b. The respondents may be directed to allow the applicants to draw pay scale of Rs. 1350-2200 w.e.f. 01.01.1986 and Rs. 5000-8000/- w.e.f. 01.01.1996.

c. The Respondents may be directed to allow the applicant to draw the arrear differential pay within a time to be stipulated by this Hon'ble Tribunal. And;

Such other order(s)/direction(s) may be given in giving complete relief to the applicants.

4. Applicants are working as Tower Wagon Drivers in the Railways. Their grievance is that although there is a judgment of Hon'ble Supreme Court of India that Tower Wagon Drivers are entitled to the similar benefits as are



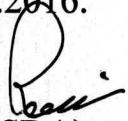
being granted to the Goods Train Drivers, they are not being granted the benefit of Pay scale of Rs. 1350-2200/- w.e.f. 01.01.1986 and Rs. 5000-8000/- w.e.f. 01.01.1996 with other consequential benefits. Mr. Dash, Ld. Counsel for the applicants, submitted that the applicants ventilating their grievances preferred a common representation dated 31.03.2016 under Annexure-A/8 before Respondent No.1 but till date no communication has been made to them for which they have moved this Tribunal in this present O.A. with the aforesaid prayers.

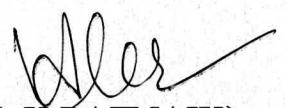
5. Since the representation submitted by the applicants is stated to be pending with Respondent No. 1, without entering into the merit of this case, we dispose of this O.A at the stage of admission itself by directing Respondent No. 1 to consider the representation dated 31.03.2016 under Annexures-A/8, if the same is still pending before him, as per the extant Rules and communicate the result thereof to the applicants individually by way of a reasoned and speaking order within a period of 02 (two) months from the date of receipt of a copy of this order. If, after such consideration it is found that the applicants are entitled to the relief claimed by them then the same may be extended to them within a further period of 03 (three) months from such consideration. However, it is also made clear that if in the meantime the said representation has already been disposed of then the result of the same be communicated to the applicants individually within a period of two weeks from the date of receipt of copy of this order.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.


S. Kumar

7. On the prayer made by Mr. Dash, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to all the Respondents by Speed Post for which he undertakes to file the postal requisites by 27.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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