

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.1268 of 1996

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. A. Sathath Khan, Judicial Member

L.M. Ray S/o Late Benoy Krishna Ray
R/o Vill. Raipur, P.O. Raipur Dayarampur
via Ghateswar, Dist. 24 Parganas (South)
Pin-743 336

... Applicant.

VS

1. Union of India through the General
Manager, S.E. Railway, Garden Reach,
Calcutta-43

2. The Financial Adviser and Chief
Accounts Officer, S.E. Railway, Garden
Reach, Calcutta-700 043

... Respondents

For the Applicant : Mr.P.B. Misra, counsel

For the Respondents : Mr. D. K. Singh, counsel

: : Date of order: 25-04-2003

O R D E R

Hon'ble Mr. A. Sathath Khan, JM

The applicant prays for fixation of his pay as selection grade Clerk Gr.I in the pay scale of Rs.425-700 under FR 22-C from 1.4.80 taking into account his special pay of Rs.35/- with consequential benefits of arrears with 18% interest and also revision of his pension and other retirement benefits with consequential benefits of arrears with 18% interest.

2. The case of the applicant is that similarly placed persons like the applicant had approached this Bench of the Tribunal in OAs 1121/93 1381/94 and 1382/94 for similar reliefs and the same were allowed by this Bench of the Tribunal by order dated 26.2.96, that similarly placed persons like the applicant had also approached the Madras Bench of this Tribunal in OAs 717/90, 874/90 and 767/90 and the same were allowed by order dated 6.9.91, that the SLP filed by the Department in the Supreme Court against the decisions of the Calcutta Bench and Madras Bench were also

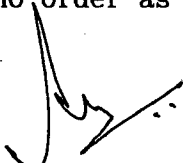
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dismissed by the Supreme Court, that this Bench of this Tribunal has granted similar reliefs to similarly placed persons in several cases subsequently also and that the applicant is entitled to the said benefits as a similarly situated person.

3. The respondents in their reply admit that this Bench and Madras Bench of this Tribunal had allowed the OA in question and that the SLPs filed against the decisions of the Madras Bench ^{and} ~~of~~ this Bench have been dismissed by the Supreme Court, but the only contention of the respondents is that they are judgments in personem and not judgments in rem and hence the applicant cannot be extended the benefit of the said decisions.

4. We have carefully gone through the decisions of this Bench and the Madras Bench of this Tribunal and we find that the issue decided in the said cases and the issue involved in the present case are the same and the applicant is ^A similarly situated person. Under these circumstances, we hold that the applicant is entitled to reliefs claimed by him and accordingly, we direct the respondents to refix the pay of the applicant as selection grade Clerk Grade I in the scale of pay of Rs.425-700/- under FR 22-C taking into account his personal pay of Rs.35/- from 1.4.80 with consequential benefits of arrears with 9% interest and also recalculate the retirement benefits on the basis of the refixation of pay and make payment of the difference ^{with 9% interest.} The above said exercise shall be completed by the respondents within a period of four months from the date of receipt of this order.

5. In the result, the OA is allowed as indicated above. There is no order as to costs.


(A. Sathath Khan)

MEMBER (J)


(S. Biswas)

MEMBER (A)

26/4/03