

15

In the Central Administrative Tribunal
Jodhpur Bench, Jodhpur

Date of Order : 3.04.2000.

O.A. NO.421/1995

1. Prit Pal Singh S/o Shri D.D.Lamba, R/o B-45, Laddha Colony, Jodhpur, Retired Senior Loco Inspector.
2. Daulat Singh S/o Shri Balu Singh R/o Jha 6, Bhagat Ki Kothi Extension Housing Board, Jodhpur, Retired Senior Loco Inspector.
3. Suraj Karan S/o Shri Panchu Singh R/o Panchwati Colony C-31, Jodhpur, Retired Senior Loco Inspector.

....Applicants.

versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. General Manager, Northern Railway, Headquarter Office, Baroda House, New Delhi.
3. Chief Mechanical Engineer, Running and Loco, Headquarter Office, Baroda House, New Delhi.
4. Chief Personnel Officer, Headquarters Office, Baroda House, New Delhi.
5. Divisional Railway Manager, Northern Railway, Jodhpur.
6. Divisional Personnel Officer, Northern Railway, Jodhpur.

....Respondents.

Mr. N.K. Khandelwal, Advocate, for the applicants.

Mr. R.K. Soni, Advocate, for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

PER HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER:

The applicants, Prit Pal Singh, Daulat Singh and Suraj Karan Sisodia, have filed this application under Section 19 of

Copy of

the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 24.7.95 (Annex.A/1) and order dated 9.8.95 (Annex.A/2) and for a direction to the respondents to extend the benefit of Railway Board Orders dated 16.9.88 and 14.9.90. Despite repeated representations, the applicants have not been able to get their grievance redressed at the hands of the respondents and, therefore, this application.

2. The applicants were promoted in the grade of Rs. 700-900 prior to the implementation of the Fourth Pay Commission Report on 1.1.1986. Their juniors who were promoted after the enforcement of the Fourth Pay Commission's Report were fixed at much higher scale than those who had been promoted on supervisory post prior to 1.1.1986. The Ministry of Railway sought the removal of this anomaly vide their letters dated 16.9.1988 and 14.9.1990. The pay of Senior Loco Supervisors appointed prior to 1.1.1986 was to be stepped up to the level of a junior drawing more pay in the grade appointed on or after 1.1.1986.

3. The learned counsel for the respondents has argued that stepping up of pay is applicable in the same seniority unit and the same cadre. It is the contention of the respondents that applicants were promoted to the post of Power Controller (PRC) from the post of Goods Driver 'C' whereas Shri Karan Singh was promoted to the post of PRC from the post of Mail Driver and as such, the applicants cannot claim the benefit at par with Shri Karan Singh. It has, therefore, been argued by the respondents that the application is devoid of any merit and deserves to be dismissed.

Uppal S

4. These issues have been considered by the Principal Bench in the case of Sh.K.L.Mehandi Ratta and Another versus Union of India (OA 469/92) decided on 22.12.1992. Relief was granted on the basis that though the nomenclature of Supervisor post may be different but ultimately all these cadres come within the term of 'Loco Supervisors'. It was also held that the intervening promotion would not affect the seniority. An S.L.P. filed by the respondents before the Hon'ble Supreme Court was dismissed. Thereafter, this issue has been considered by the Principal Bench in O.A.Nos. 1532/92, 2106/91 and 3252/92 decided on 25.3.94. In all the judgments the following observations made in O.A.No. 469/92 have been reiterated :-



"It may be that the channel may be different but ultimately, both of them belong to supervisory staff. The intervening channel will not affect the seniority. Even if the said Bajpai belongs to the different unit, the unit is not analogous with the cadre when there was a combined seniority and the promotional post is a higher, and both the then became Supervisors, the applicants shall also be entitled to the benefit of the said circular which was earlier rightly enforced by the Railway Board, and even otherwise, the applicants could not be deprived of the said benefit without giving an opportunity of hearing to the applicants.

5. In view of the afore-mentioned consideration, this application is disposed of with the direction to the respondents to give the benefit to the applicants in the same manner as have been given in O.A.No. 469/92.

6. There will be no order as to costs.

Gopal Singh
(GOPAL SINGH)
Adm. Member

Singh 3/11/1990
(A.K.MISRA)
Judl. Member

mehta

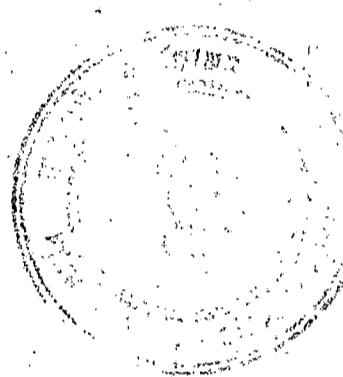
R/C

No
Cth

12/3/2000

(M.K.Khandelwal)
Adivi

Re
No 1314
(215 Sac)
12/12/00



21/2/95
10
THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.

Copy of order date 12.10.95 Passed in M.A. No. 214/95.
in O.A. No. 421/95.

Copy of
PRIT PAL SINGH LAMBA & OTHERS VS UNION OF INDIA & OTHER

Date of order

12.10.95

Mr. N.K. Khandelwal, Counsel for the
applicants.

He said

This Miscellaneous Application for
joining together and for permission to file a joint
application is allowed. M.A. stands disposed of
accordingly.

Sd/-
(Usha Sen)
Member (A)

Sd/-
(Gopal Krishna)
Vice Chairman

15.10.95