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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 24.1.97

OA 414/96

Suraj Bhan, Sub Overseer Mistry, redesignated as Supervisor (Works), Pokhran, Northern Railway.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Administrative Officer (C), Northern Railway, Kashmiri Gate, Delhi.
3. Divisional Railway Manager, Northern Railway, Bikaner Division, Bikaner.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.J.K.Kaushik

For the Respondents

... _____

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Suraj Bhan, has, in this application u/s 19 of the Administrative Tribunals Act, 1985, sought a direction to the respondents for his regularisation in the post of Sub Overseer Mistry (SOM, for short)/Supervisor (Works), scale Rs.1400-2300 against direct recruitment quota, as per judgement in Mam Chand's case. He has also prayed for revision of his pay with consequential benefits.

2. We have heard the learned counsel for the applicant.

3. The case of the applicant is that he was initially appointed as SOM at Suratgarh in Bikaner Division on 7.7.83. He acquired temporary status w.e.f. 1.8.84. Since October, 1984, he is working in the Office of Deputy Chief Engineer (C)T, at Jodhpur. He has passed certificate course in Surveyor (ITI). He is a Matriculate. He has been declared fit in medical category A/3. On the recommendations of the Fourth Central Pay Commission, SOMs having done Diploma Course were allowed pay scale of Rs.1400-2300 and have also been absorbed in the said post but such a course was not adopted in the case of SOMs who had done the certificate course. It is urged that there cannot be any rational

classification between the two since they were performing the same job

for the last several years. This controversy has been settled in the case of Mam Chand vs. Union of India and others by the Principal Bench of the Central Administrative Tribunal, New Delhi, in OA 1419/94, decided on 29.1.96, at Ann.A-5. The applicant has already made a detailed representation vide Ann.A-6 dated 2.4.96 and the same has not evoked any response. The learned counsel for the applicant wants the same to be decided through a reasoned order on merits in the light of the decision referred to above.

4. We, therefore, dispose of this OA, at the stage of admission, with a direction to respondent No.2 to take a decision on the applicant's representation dated 2.4.96, at Ann.A-6, through a speaking order in the light of the judgement in OA 1419/94, Mam Chand vs. Union of India and others, decided by the Principal Bench of the Central Administrative Tribunal, New Delhi, by an order dated 29.1.96, within a period of three months from the date of receipt of a copy of this order. Let a copy of the OA and the annexures thereto be sent to respondent No.2 alongwith a copy of this order.


(O.P.SHARMA)

ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)

VICE CHAIRMAN

VK