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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,  
J\_O\_D\_H\_P\_U\_R.

Date of Order : 21.9.2000.

O.A. No. 150/1997

1. Bhagwan Das Araya S/O Shri Fateh Chand, aged 71 years, Retired Train Conductor, Bikaner, R/O near Jail Sadar, Bikaner.
2. Kewal Krishan S/O Shri Sadhu Ram, aged 71 years, Retired Train Conductor, Bikaner, R/O Behind Bikaner Ice Factory, Bikaner.

... Applicants

vs

1. Union of India through General Manager, Northern Railway, HQ Office, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Bikaner.
3. Divisional Personnel Officer, Northern Railway, Bikaner.
4. Shri Raj Kumar, Retired CIT/TNCR/
5. Shri Roop Singh, Retired CIT/TTE/HMH

through  
respondent  
No.3

... Respondents

Mr. Y.K. Sharma, Counsel for the Applicant.

Mr. V.D. Vyas, Counsel for the Respondents.

CORAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

O\_R\_D\_E\_R

( PER HON'BLE MR. GOPAL SINGH )

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicants Bhagwan Das Araya and Kewal Krishan have prayed for quashing the orders

Gopal Singh

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dated 05.12.1995 (Annexure A/1) and 08.12.1995 (Annexure A/2) and for a direction to the respondents to step-up the pay of the applicants with effect from 01.1.1984 at par with the pay of their juniors with all consequential benefits alongwith interest @ 12% per annum on the arrears of difference of pay and allowances and retirement benefits.

2. Learned Counsel for the applicants informed the Tribunal on 07.12.1998 that the applicant No.1 Shri Bhagwan-Das Araya had died. Two years have elapsed after reporting the death of applicant No.1, but no Legal Representatives have been brought on record so far. Thus, by operation of law, the application so far it pertains to applicant No.1 Shri Bhagwan Das Araya, has abated and is accordingly dismissed as abated.

3. Applicant No.2, Kewal Krishan was appointed on 27.3. 1951 with the respondent-department. The applicant was lastly promoted in the grade of Rs.550-750 w.e.f. 1.1.'84. The applicant had since retired on 31.7.'84 from the post of Train Conductor. Applicant's case is that he is senior to Raj Kumar and Roop Singh, respondents No.4 and 5. Respondent No.4 (Raj Kumar) has already been extended the benefit of the scale of Rs.700-900 w.e.f. 01.1.1984 vide respondents' letter dated 14.12.1993 at Annexure A/4. Since the applicant is senior to respondents No.4 and 5, he is seeking parity in pay with them.

4. This controversy had come up earlier before us in O.A. No. 37/1996 - Sumati Chand Patodi Vs UOI & Ors. decided on 28.7.1999. In that application, the applicant (Sumati Chand Patodi) was also senior to Raj Kumar and accordingly the applicant therein was allowed the benefit of the scale of Rs.700-900 w.e.f. 01.1.'84 at par with Raj Kumar.

Urpal Singh

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5. For the detailed reasons recorded in our order dated 28.7.1999 in O.A. No.37/96, we allow this O.A. with the direction that the applicant may be fixed in the pay scale of Rs.700-900 w.e.f. 01.1.1984 at par with his junior and the difference of pay and allowances becoming due in terms of this order and the pay and allowance already drawn by the applicant be paid alongwith the interest @ 12 per cent per annum to the applicant within a period of three months from the date of issue of this order. Since the applicant has already retired from service, pensionary entitlements should also be recalculated and difference alongwith interest @ 12 per cent per annum thereon be paid to him within the aforesaid period.

6. Parties are left to bear their own costs.

Gopal Singh  
( GOPAL SINGH )

Adm. Member

BS  
( B.S. RAKOTE )  
Vice Chairman

\*J\*

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Part II and III destroyed  
in my presence on 10.10.69  
under the supervision of  
section officer (J) as per  
order dated 10.10.69

NARAYAN  
Section officer (Record)

Recopy  
27/9/2K