

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of Decision : 10.04.2002

O.A. No. 187/2001.

1. R P Mathur s/o Shri G L Mathur, aged about 50 years, at present employed on the post of Asst. Audit Officer in Construction Audit Office, Northern Railway, Jodhpur.
2. A R Mehta S/o Shri A R Mehta, aged about 45 years, at present employed on the post of Asst. Audit Officer in Divisional Audit Office, Northern Railway, Jodhpur.
3. Pramod Vyas s/o Shi Ratan Vyas, aged about 44 years, at present employed on the post of Asst. Audit Officer in Divisional Audit Office, Northern Railway, Jodhpur.
4. V D Vyas s/o Budh Lal Vyas, aged about 59 years, at present employed on the post of Asst. Audit Officer in Divisional Audit Office, Northern Railway Jodhpur.
5. R K Verma s/o Shri Ladhu Ram Verma, aged about 44 years, at present employed on the post of Asst. Audit Officer in Divisional Audit Office, Northern Railway, Jodhpur.
6. B L Meena s/o Ramji Lal Meena, aged about 39 years, at present employed on the post of Asst. Audit Officer in Traffic Audit Office, Northern Railway, Jodhpur.
7. Shiv Dayal Jatav S/o Shri PUShia Ram, aged about 44 years, at present employed on the post of Asst. Audit Officer in Traffic Audit Office, Northern Railway, Jodhpur.
8. R K Gangwani s/o Shri Deep Chand, aged about 43 years, at present employed on the post of Asst. Audit Officer in Workshop Audit Office, Northern Railway, Jodhpur.
9. Khushi Ram s/o Chhotu Ram, aged about 42 years, at present employed on the post of Asst. Audit Officer Divisional

Audit Office, Northern Railway, Bikaner.

10. D K Gupta S/o Shri Shiv Lal Gupta, aged about 36 years, at present employed on the post of Asst. Audit Officer in Divisional Audit Office, Northern Railway, Bikaner.

11. H S Pareek s/o Shri Laxmi Narayan Pareek aged about 52 years, at present employed on the post of Asst. Audit Officer in Divisional Audit Office, Northern Railway, Bikaner.

Address for correspondance : C/o Shri Achal Raj Mehta, M-33-B, Railway Medical Colony UIT Circle, Jodhpur.



... APPLICANTS

versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chairman, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
3. Comptroller and Audit General of India (Railway), 10, Bahadur Shah Jafar Marg, New Delhi.
4. Principal Director of Audit, Northern Railway, Baroda House, New Delhi.

Shri B. Khan, counsel for the applicants.

Shri Salil Trivedi, counsel for respondent No. 1 & 2.

Shri N. M. Lodha, counsel for respondents No. 3 & 4.

CORAM

Hon'ble Mr. Justice O. P. Garg, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :

(per Hon'ble Mr. Justice O. P. Garg)

Applicants who are eleven in number and employed on the post of Assistant Audit Officer in Construction Audit office, Northern Railway, Jodhpur, have prayed for the facility of Ist Class 'A' pass and have challenged the orders passed by the respondents denying them the said facility. They have placed reliance on the decision of the Apex Court dated 20.04.1993 in SLP Nos. 10784, 12508-12510, 12944, 15586/92.

2. Shri Salil Trivedi, appearing on behalf of the respondents, pointed out that the applicants are claiming the above facility at par with the officers of the same rank of the Railway Board. He pointed out the operative portion of the decision of the Apex Court dated 20.04.1993, reads as follows

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"Therefore, there is substance in the submissions made on behalf of the India Railways that the grievance sought to be made out on behalf of the Assistant Audit Officers lacks merit and cause to be rejected. We accordingly reject the contention advanced on behalf of the Assistant Audit Officers that they should be treated by the India Railways on par with Railway Servents classified in Group 'B' in matters relating to the conferring of privileges and giving of facilities".

On the strength of the above observations of the Apex

Court, Shri Salil Trivedi, learned counsel for the respondents, urged that the applicants are not entitled to the pass facility as is claimed by them and, therefore, this Original Application may be dismissed as the controversy has been set at rest by Hon'ble the Supreme Court. He further pointed out that the Railway Department has extended the pass facility to the applicants as is available to their counterparts in the Railway Department but certainly they cannot claim parity with the Group 'B' Gazetted Officers in the Ministry of Railway who enjoy a special status.

3. After having heard the learned counsel for the parties we find that the controversy raised in the present OA stands finally concluded by the decision of the Hon'ble Supreme Court and cannot be reopened. The status enjoyed by the applicant cannot be treated at par with the Railway servants classified in Group 'B' in matters relating to conferring of privileges and giving the facilities. Their claim for parity with the officers of Railway Board is totally misconceived.

4. The applicants are getting due travelling facilities under the various orders and circulars issued by the department of Railways. No case of discrimination has been made out. This Original Application is, therefore, devoid of any merit and substance and is accordingly dismissed without any order as to costs.

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(GOPAL SINGH)
Adm. Member

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(JUSTICE O. P. GARG)
Vice Chairman