

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

O.A. No. 49, 50, 51, 52, 53 and 59 of 2010.

Date of decision: 12.09.2012

CORAM :

HON'BLE MR. G. GEORGE PARACKEN JUDICIAL MEMBER

HON'BLE Mr. B.K.SINHA, ADMINISTRATIVE MEMBER

1. Mahesh S/o Shri Asharam aged about 50 years, resident of Gali No. 3, Near Trimurti Mandir, Rampura Basti, Lalgarh, Bikaner at present employed on the post of Khalasi under IOW, Bikaner, North Western Railway.

..... Applicant in OA No. 49/2010

2. Mool Singh S/o Shri Kan Singh aged about 52 years resident of Gali No. 17, Rampura Basti, Lalgarh, Bikaner at present employed on the post of TTE at Lalgarh, Bikaner Division, North Western Railway.

..... Applicant in OA No. 50/2010

3. Ram Veer S/o Shri Kanhaiya Lal aged about 58 years, resident of Gali No. 9, Near Triburti Mandir, Rampura Basti, Lalgarh, Bikaner, at present employed on the post of Clerk in RRD Section, DRM Office, Bikaner Division, North Western Railway.

..... Applicant in OA No. 51/2010

Mehandi Hasan S/o Shri Noor Mohammad aged about 51 years resident of Maqubool Manzil, Near Kasaiyon Ki Maszid, Bikaner at present employed on the post of Box Boy at Bikaner, North Western Railway.

..... Applicant in OA No. 52/2010

5. Mang Nath S/o Shri Trilok Nath aged about 48 years resident of Outside Bidasar Bari, Gangashahar Road, Bikaner at present employed on the post of Leverman at Bikaner North Western Railway.

..... Applicant in OA No. 53/2010

6. Mohammad Sabbir S/o Shri Ibrahim Khan aged about 53 years, resident of Gali No. 16, Tazia Ka Chowk, Dhobi Talai, Bikaner, retired from the post of Staff Car Driver, Divisional Office, Bikaner, North Western Railway.

..... Applicant in OA No. 59/2010

[By Mr. J.K.Mishra, Advocate]

Versus

1. Union of India through General Manager, North Western Railway, Jaipur.



[By Mr. Vinay Jain, Advocate, in OA 49 & 50/2010]
 [By Mr. Manoj Bhandari, Advocate in OA 52 & 59/2010]
 [By Mr. Salil Trivedi, Advocate in OA 53/2010]
 [By Mr. K.K.Vyas, Advocate in OA 51/2010]

ORDER (Oral)

[PER HON'BLE MR. G. GEORGE PARACKEN]

All these cases are identical. The reliefs sought by them are also identical. For the sake of convenience, the reliefs sought by the applicant in OA NO. 49/2010 are reproduced as under :-

i)The respondents may be directed to grant the due benefits of 1st financial upgradation under ACP scheme w.e.f. 1.10.99 as per rules and circulars issued by the Railway Boards from time to time.

ii)That respondents may also be directed to reckon the service of applicant rendered as temporary status for the purpose of fixation of pay on regularization of services and refix his pay by allowing increments etc. The same may also be counted for retrial benefits.

iii)That the applicant may be also allowed all consequential benefits including arrears of difference of pay along with market rate of interest.

iv)That any other direction, or orders may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

v)That the cost of this application may be awarded."



2. The respondents have filed replies in all these cases. They have submitted that all applicants have been granted the first financial upgradation under ACP Scheme.

3. The learned counsel for the applicants has also submitted that the respondents have given substantial reliefs to the applicants. Further, according to him, some of the reliefs sought by the applicants, particularly with regard to reckoning of the service rendered by them as temporary status employees have not been calculated correctly. However, he has submitted that the applicant

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will make a separate representation with regard to the subsisting claims/grievances and the respondents may consider them in accordance with the rules.

4. In view of the above submission, we dispose of these OAs with the liberty to the applicants to make individual representations regarding their surviving claims/grievances if any, within a period of one month. On receipt of such representations, the competent authority in the respondent Railways shall consider them individually and convey their decision to the applicants through reasoned and speaking orders within a period of two months thereafter. There shall be no order as to costs.



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(B.K. SINGH)
Administrative Member

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(G. George Paracken)
Judicial Member

COMPARED & CHECKED

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Jrm

CERTIFIED TRUE COPY
Dated.....19.9.2012

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सदस्य न्यायाधीश (न्याय.)
Section Officer (Judl.)
केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
सिखर न्यायालय, जोधपुर
Bench, Jodhpur

Recd. Egg

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