

६.४.३. (प्रक्रिया) नियम ११ विधि २२ के प्रत्येक तिः शुल्क प्रति

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

**Original Application Nos. 290/00339/2015, 290/00340/2015,
290/00341/2015, 290/00342/2015,
290/00343/2015 & 290/00361/2015**

Jodhpur, this the 28th day of September, 2015

CORAM

**Hon'ble Mr. Justice Harun-Ul-Rashid, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member**

(1) OA No.339/2015

Satya Pal Singh S/o Shri Bhanwar Singh, aged about 46 years, b/c Rajput, R/o Vill+Post –Raisar, District – Bikaner. (Office Address :- Working as Gate-keeper posted at Ranari Railway Station under Kolayat Section, Railway Department).

.....Applicant

Versus

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Chief Personnel Officer, O/o General Manager, North Western Railway, Jaipur.
3. Divisional Railway Manager, North Western Railway, Bikaner.
4. Senior Divisional Personnel Officer, North Western Railway, Bikaner.

.....Respondents

QA No.340/2015

1. Babu Singh, S/o Shri Hari Singh, Aged about 49 years, b/c Charan, R/o Vill+Post – Balau, District-Barmer.(Office Address:- Working as Gateeman posted at Samdari Railway Station under Bhilri Section, Railway Department).
2. Kanhaya Lal Daiya S/o Shri Bhawar Lal, aged about 45 years, b/c Darji, R/o Vill+Post –Banar, District – Jodhpur. (Office Address:- Working as Gateeman posted at Samdari Railway Station under Bhilri Section, Railway Department).
3. Gordhan Ram Jakhar, S/o Shri Hardi Ram Jakhar, aged about 47 years, b/c – Jat, R/o Plot No. 2, Defence Colony Jodhpur, District – Jodhpur.(Office Address:- Working as Gateeman posted at Samdari Railway under Bhilri Section, Railway Department).

.....Applicants

Versus



1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, North Western Railway, Jodhpur.
3. Chief Personnel Officer, O/o General Manager, North Western Railway, Jaipur.
4. Senior Divisional Personnel Officer, North Western Railway, Jodhpur.
5. Senior Divisional Personnel Officer, North Western Railway, Bikaner.

(3) **OA No.341/2015**

Ratan Singh Rathore S/o Shri Nathu Singh Rathore, aged about 45 years, b/c Rajput, R/o H.No.T-14, Railway Station Awas, Lalgarh Junction, Lalgarh, District Bikaner. (Office Address:- Working as Pointsman posted at Lalgarh Railway Station under Kolyat Section, Railway Department.

.....Applicant

Versus

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Chief Personnel Officer, O/o General Manager, North Western Railway, Jaipur.
3. Divisional Railway Manager, North Western Railway, Bikaner.
4. Senior Divisional Personnel Officer, North Western Railway, Bikaner.

OA No.342/2015



1. Rama Ram, S/o Late Shri Mangla Ram, aged about 47 years, b/c Jat, R/o Vill-Khivsar, Po-Bhaniyana, District – Jaisalmer. (Office Address:- Working as Gatekeeper posted at Malar Railway Station under Kolyat Section Railway Department).
2. Bhoor Singh Bhati, S/o Shri Mode Singh Bhari, aged about 49 years, b/c Rajput, R/o H.No. 62, Maderna Colony, Near Kalka Mata Temple, Jodhpur. (Office Address:- Working as Gatekeeper Seed (C-45) posted at Sird Railway Station under Kolyat Section Railway Department).

....Applicants

Versus

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, North Western Railway, Bikaner.
3. Chief Personnel Officer, O/o General Manager, North Western Railway, Jaipur.

4. Senior Divisional Personnel Officer, North Western Railway, Bikaner.

(5) OA No.343/2015

Jabbar Singh, S/o Shri Bheru Singh, aged about 50 years, b/c Rajput, R/o H.No. 1005-B, Railway Quarters, Malar Station, District-Bikaner. (Office Address:- Working as Pointsman posted at Malar Railway Station under Kolyat Section, Railway Department).

....Applicant

Versus

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Chief Personnel Officer, O/o General Manager, North Western Railway, Jaipur.
3. Divisional Railway Manager, North Western Railway, Bikaner.
4. Senior Divisional Personnel Officer, North Western Railway, Bikaner.

.....Respondents

(6) OA No.361/2015

1. Sumer Singh S/o Shri Ganpat Singh, aged about 59 years, b/c Jat, R/o Vill+Po-Raghachhoti, District Churu. (Office Address:- Working as Pointsman posted at Sadulpur Railway Station under Kolyat Section, Railway Department).

2. Suresh Singh S/o Shri Jagannath Singh, aged about 49 years, b/c Rajput, R/o H.No.T-14-A, Railway Colony, Sadulpur, District Churu. (Office Address:- Working as Pointsman posted at Sadulpur Railway Station under Kolyat Section, Railway Department).

3. Sukhdev Koke S/o Shri Sadhu Ram, aged about 50 years, b/c- Jat, R/o-H.No.T-14-A, Railway Colony, Sadulpur, District-Churu. (Office Address:- Working as Pointsman posted at Sadulpur Railway Station under Kolyat Section, Railway Department).

....Applicants

Versus

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, North Western Railway, Bikaner.
3. Chief Personnel Officer, O/o General Manager, North Western Railway, Jaipur.
4. Senior Divisional Personnel Officer, North Western Railway, Bikaner.

.....Respondents

Mr. S.P. Singh, Advocate, present, for applicant.

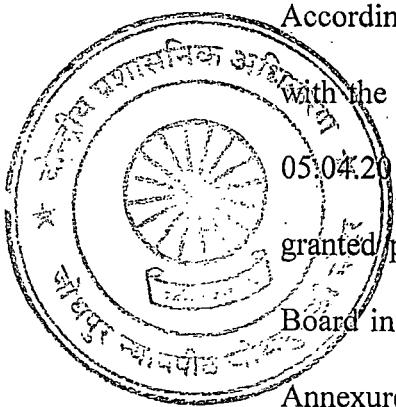
ORDER (Oral)

The issues involved in these OAs are similar and therefore all the OAs are disposed of by this common order.

2. These Original Applications are filed seeking a direction, directing the respondents to fix the pay of the applicants protecting the last pay drawn by them while in Military Service in accordance with para 4 (b) (ii) of the DoPT Office Memorandum dated 05.04.2010 and for other consequential reliefs.

3. The applicants are ex-servicemen and re-employed pensioners. Counsel for the applicants submits that several directions have been passed by the Railway Board, that the last pay drawn by the ex-servicemen may be protected and the same will be fixed at the time of re-appointment to ex-cadre post.

According to the applicants, the effective date of appointment in accordance with the Railway Board directions is as adopted from the DoPT letters dated 05.04.2010 and 08.11.2010. It is pointed out that the Southern Railway have granted pay protection in accordance with the directions passed by Railway Board in pursuance of the DoPT letter dated 05.04.2010, which is marked as Annexure-A/5. The grievance of the applicants are that the respondents have failed to protect last pay drawn of the applicants in pursuance of the directions passed by the Railway Board vide letter No.E (P&A) II-85/PP-24 dated 31.12.1985 and therefore the applicants are getting less pay than what they are entitled to. It is also pointed out that the Railway Board issued a letter dated 24.11.2014 (Annexure-A/3) giving the directions in respect of fixation of pay



on appointment from one ex-cadre post to another ex-cadre post and directed to comply with the directions passed in letter dated 31.12.1985.

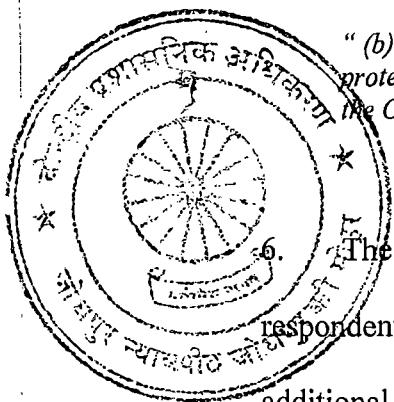
4. The paragraph 4 (ii) (b) of the DoPT letter dated 05.04.2010 marked as Annexure-A/5 in OA No.339/2015 reads as follows:

"In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial basic pay on re-employment shall be fixed at the same stage as the last basic pay drawn before retirement."

5. The applicant presented a representation and it is submitted that no heed was paid by the Railway's Authority. The representation submitted by the applicant of OA No.339/2015 is marked as Annexure-A/9. Similar representations are also submitted in other connected matters. The learned counsel for the applicants also pointed out that similar controversy was decided by the CAT, Calcutta Bench in OA No.359/2014 vide order dated 30.06.2015 (Annexure-A/10), in which the following reliefs has been prayed for:

"(b) An order do issue directing the respondents to fix the pay of the applicants protecting the last pay drawn by them while in Military Service as para 4 (b) (ii) of the Office Memorandum dated 05.04.2010."

6. The Calcutta Bench disposed of the said OA while directing the respondents to consider the representation dated 31.10.2013 along with the additional documents, which the applicants are directed to file before the respondent Railways for their consideration, and pass a reasoned and detailed order within a period of 3 months from the date of receipt of a copy of this order and communicate the same to the applicant within 15 days thereafter.



7. In view of the facts and circumstances noticed above, we are also inclined to dispose of all these six OAs with certain directions. The OAs are therefore disposed of directing the Divisional Railway Manager, North Western Railway, Bikaner/Jodhpur to consider and dispose of the representations submitted by the applicants in each case by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. The applicants shall submit a copy of the OA as well as copy of this order to the said authority within a period of 15 days from the date of receipt of a copy of this order.

8. In view of the limited reliefs we have granted, the OAs are being disposed of without issuing notice to the respondents. No order as to costs.

Sd/-
 [Meenakshi Hooja]
 Administrative Member

Sd/-
 [Justice Harun-Ul-Rashid]
 Judicial Member

CERTIFIED TRUE COPY
 Dated...01/10/2015

J.K. Shrivastava

राज्यालय अधिकारी (जूली)

Section Officer (Juli)

कानूनी विभाग

Legal Department

राज्यालय अधिकारी (जूली)

Section Officer (Juli)

कानूनी विभाग

COMPARED &
CHECKED

Rm

