CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.Nos. 296/2004 & 27/2006

Dated Thursday the 18th day of September 2008

CORAM :
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE DR.K.S.SUGATHAN, ADMINISTRATIVE MEMBER

OA No.296/2004.

P.Kumaran, Tower Wagon Driver,
Office of the Service Section Engineer,
Over Head Equipment, Salem Junction,
Souther Railway
Residing at Railway Quarter No.226-H,
New Railway Quarter,
Old Surmangalam, Salem-5. ... Applicant.

By Advocate Mr.T.C.G.Swamy

Vs.

1 Union of India represented by the
Secretary to the Government of India,
Ministry of Railways, Rail Bhavan,
New Delhi.

2 The General Manager,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai-3.

3 The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.

4 The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat. ... Respondents

By Advocate Mr.Sunil Jose ACGSC

OA No.27/2006

1 P.Anbuchezhiyan.
Tower Wagon Driver,
SSE/OHE/Southern Railway.
Residing at No.38/A, Railway Quarters,
Samalpatty R.S.& P.O.,
Krishnagiri District.

2 V P Vasudevan Namboodiri.
Tower Wagon Driver,
SS/OHE/Southern Railway/Palghat.
Residing at No.621-C, Railway Quarters,
Hemambika Nagar, Palghat. ...Applicants

By Advocate Mr.T.C.G.Swamy

Vs

1 Union of India represented by the
Secretary to the Government of India,
Ministry of Railways, Rail Bhavan,
New Delhi.

2 The General Manager,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai-3.

3 The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.

4 The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat. ... Respondents

By Advocate Mr.Thomas Mathew Nellimoottil

These applications having been heard on 18th September, 2008, the Tribunal, on the same day delivered the following:-

(ORDER)

Hon'ble Mr.George Paracken, Judicial Member

Both the cases are connected and therefore they are disposed of by this common order.

2 Applicants in both these OAs are Tower Wagon Drivers in the scale Rs.4000-6000 in the Palghat Division. They have also sought identical reliefs in both the OAs. For the sake of convenience, the relief in OA 296/04 is reproduced as under:-

> "(a) Declare that the grade of scale of pay of Rs.1200-1800/4000-6000/- to the applicant as Tower Wagon Driver of Palghat Division, is arbitrary, discriminatory, unreasonable and hence, unconstitutional.
> (b) Declare that the applicant as Tower Wagon Driver of Palghat Division, is entitled to be granted scale of pay of Rs.1350-2200/Rs.5000-8000/-, on par with Goods Drivers and direct the respondents to grant the same, with arrears thereof, with effect from 1.1.1996.
> (c) Award costs of and incidental to this Application.
> (d) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case."

3 The applicants have filed these OAs based on the order of the Central Administrative Tribunal, Calcutta Bench in OA 1059/2001 decided on 9.8.2002. The said order was based on their earlier order in OA 321/01 Jagadish Pandey & Ors Vs. Union of India, decided on 18.1.2002. The Calcutta Bench has allowed the OA 1059/01 and directed the respondents to pay the salary to the applicants therein in the pay scales sought for in

the aforesaid reliefs with consequential benefits and also to pay arrears within a period of three months. The learned counsel for the respondents has submitted that both the aforesaid orders of the Tribunal were challenged before the Hon'ble High Court of Calcutta vide Writ Petition Nos.79/03 (against order in OA 1059/01) and Writ Petition No.697/2002 (against order in OA 321/01). The High Court dismissed both the Writ Petitions upholding the orders of the Tribunal in those two respective cases. However, the respondents have carried the aforesaid judgments in the Writ Petitions before the Hon'ble Supreme Court of India in SLP Civil CC No.8468-8469/05. The Hon'ble Supreme Court was pleased to stay the orders of the Hon'ble High Court vide its order dated 19.9.2005. According to the counsel for parties, those SLPs are still pending.

4 In the above circumstances, both the counsel have agreed to dispose of these two Original Applications with the direction to the respondents to implement the judgment of the Hon'ble Supreme Court in the aforesaid SLPs in these cases also as and when they are decided. Accordingly, these OAs are disposed of. There shall be no orders as to costs.

K.S.SUGATHAN
ADMINISTRATIVE MEMBER

GEORGE PARACKEN
JUDICIAL MEMBER

abp