

**Central Administrative Tribunal
Lucknow Bench**

OA No.45/2005

Lucknow this the 16th day of March, 2009.

**Hon'ble Mr. Shanker Raju, Member (J)
Hon'ble Dr. (Mrs.) Veena Chhotray, Member (A)**

C.P. Singh, aged about 50 years son of late Shri Thundan Lal, presently posted as ARE/E1, RDSO, Lucknow, R/o C-140/3, R.D.S.O. Colony, Manak Nagar, Lucknow & 20 others as per the Memo of Parties.

-Applicants

(By Advocate Shri B.P. Singh)

-Versus-

1. Union of India, through Secretary, Railway Board, Rail Bhawan, New Delhi.
2. Director General, R.D.S.O., Manak Nagar, Lucknow.
3. Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.

-Respondents

(By Advocates Shri Arvind Kumar and Shri Pankaj Awasthi)

O R D E R (ORAL)

Mr. Shanker Raju, Member (J):

Heard the parties.

2. The applicants impugn the inaction and arbitrary action of the respondents in not implementing the facilities and privileges of zonal railways to the applicants in spite of the gazette notification dated 11.10.2002, whereby Research Design and Standard Organization has been declared to be a zonal Railways w.e.f. 1.1.2003. In this view of the matter the claim of applicants as to grant of pay scale of Rs.8000-13500 being acceded to by the respondents vide their letter dated 16.6.2003 the reliefs claimed in

paragraph 8 (a) and (b) have been rendered infructuous, whereas in (c) the prayer is to initiate group A induction in junior scale on the basis of rule as applicable in zonal Railways. This has been admitted by the respondents in their additional affidavit that the zonal railways rule would apply. However, the only impediment for absorption in group 'A' on the basis of the seniority is that a Writ Petition in which there is an issue of pay scale is sub judice before the High Court of Delhi. When the pay scales have been implemented subject to the final outcome of the Writ Petition and in the wake of the fact that the seniority has to determine the absorption in group 'A', we direct the respondents to initiate the process of induction as per clause 6 of Railway Board's letter dated 16.6.2003 and shall be completed within a period of three months but the result may not be declared and the final outcome shall remain subject to the outcome to be arrived at by the Delhi High Court and in such an event law shall take its own course.

No costs.

Chhotray

(Dr. Veena Chhotray)
Member (A)

S. Raju

(Shanker Raju)
Member (J)

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