

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. No. 3 of 1992.

S.A. Hussain & another

Applicants.

versus

1. Union of India through the Secretary
to Government, Ministry of Railways,
New Delhi.

2. Railway Board through the General
Manager, Northern Railway, New Delhi.

3. Divisional Railway Manager,
Northern Railway, Hazratganj,
Lucknow.

Respondents.

Hon. Mr. S. N. Prasad, Member Judicial.

The applicants have approached this Tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer, inter alia, for quashing the order dated 23.12.91 contained in Annexure No. 1 whereby the applicants are being directed to attend P-12 promotional course commencing from 1.1.1992 to 6.2.1992 at Zonal Training School Chandausi and also taking it as a pre-requisite promotional course condition for the purpose of making the appointment of the Applicants as Enquiry-cum-Reservation Clerk, in the scale of pay of Rs 1200-2040, and for directing the respondents to allow scale of Enquiry -cum Reservation Clerk from the date of joining/posting of the applicants.

2. Briefly stated, the facts of this case, inter alia, are that the applicant No. 1 was duly selected by the Railway Service Commission on the post of Coaching Clerk in the pay scale of pay Rs 260-430, now revised Rs 975-1540 and on the basis of his selection he was appointed as a Coaching Clerk on 4.5.1983 and on the same day he joined by tendering his joining report. The applicant No.1 joined as Enquiry -cum-Reservation Clerk at Charbagh Northern Railway Station, Lucknow and since then he is continuing to hold the post of Enquiry-cum Reservation Clerk at Charbagh Northern Railway Station, Lucknow. The applicant ^{~ No. 2 ~} was also duly selected by the Railway Service Commission and on 1.6.1983 he was posted as Coaching Clerk in New Delhi Northern Railway Station. On 27.4.1985, after allotment of the Division the applicant No. 2 was posted as Enquiry-cum-Reservation Clerk from New Delhi to Lucknow Division where he has been posted as Enquiry-cum Reservation Clerk on 27.4.1985 at Charbagh Northern Railway Station and since then he is continuing on that post, till now. It has further been stated that the respondents have been ~~stated that the respondents have been~~ taking the work from the applicants as Officiating Enquiry-cum-Reservation Clerk since 4.5.1983 and 27.4.1985 respectively, and as such the applicants have rendered the services of Enquiry/Reservation Clerk since the aforesaid dates respectively

and they are entitled to their basic pay fixed in the pay scale of Rs 330-560. (now revised to Rs 1200-2040) and as per Railway Board's order, the persons holding official post for more than 3 years are entitled to be paid ~~in the~~ ^{in the} scale of pay of Rs 330-560 (now revised to Rs 1200-2040, (vide Annexure-2 to the application)).

3. The main grievance of the applicants appears to be that S/Shri Shashi Shekhar, Shabbir Hussain, Abdul Azim and others who were also officiating on the said posts, and who had also worked for three years, they have been given the benefit of the aforesaid directions contained in Railway Board's letter referred to above, but the applicants have been deprived of the same; in as much as they have been booked to attend P-12 promotional courses as specified in Annexure-1 and as such there has been violation of provisions contained under Article 14 and 16 of the Constitution of India, and hence the applicants have approached this Tribunal.

3. I have heard the learned counsel for the applicant and perused the papers. The learned counsel for the applicant while adverting to the directions of the Railway Board contained in their letter dated 5.7.83² (vide Annexure -2) has argued that though the other employees namely Shri Shashi Shekhar, Shabbir Hussain Abdul Azim and others whose names have been specified

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and detailed in para 4(k) of the application, have been given the benefit of the directions of the Railway Board as referred to above, but the applicants have been discriminated and have not been given parity and identical benefits as that of aforesaid S/Shri Shashi Shekhar, Shabbir Hussain and others and has urged that the main grievance of the applicants would be substantially redressed if the respondent No. 3 is directed to decide the representation of the applicants dated 24.12.91 (Annexure -4) which has ^{not} still been decided and which is still pending with the D.R.M., Northern Railway, Lucknow.

4. A perusal of record reveals that the representation of the applicants dated 24.12.91 (Annexure 4) is still lying undecided with the D.R.M. and I find, keeping in view the facts and circumstances of the case and all aspects of the matter that a direction to the respondent No. 3 would meet the ends of justice; and thus in this view of the matter, I find it expedient that the D.R.M. N. Railway, Lucknow, respondent No. 3 be directed to decide the representation of the applicants dated 24.12.91 (Annexure 4) in accordance with law, keeping in view the extant, rules, regulations and orders of the Railway Board in this regard, within a period of two months ^{by reasoned order} from the date of receipt of a copy

of this order, and I order accordingly.

5. The application of the applicant is disposed of
as above at admission stage. No order as to costs.

Shakeel/

Lucknow: Dated: 29.4.92.

 29.4.92
Member Judicial.