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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH, LUCKNOW

Original Application No. 410 of 1992(L)

1. Prabhakar Mishra
2. Vijai Kumar Gupta
3. Sayed Akbar Ali
4. B.B. Sharma
5. C.B. Singh Applicants

Versus

1. The Union of India through the Secretary
Ministry of Railways Rail Bhawan,
New Delhi.
2. The Chairman Railway Board Rail Bhawan,
New Delhi.
3. The G.M. N.E. Railway Gorakhpur.
4. The Divisional Rail Manager, N.E. Railway,
Ashok Marg, Lucknow.
. Respondents.

Hon'ble Mr. S.N. Prasad, Member (Judicial)

The applicant has approached this tribunal under Section 19 of the Administrative Tribunals Act, 1985 for allowing the same benefit which have been allowed by this tribunal as per judgement and order dated 10.5.1991 passed by this tribunal in O.A. No. 79 of 1991 R.P. Upadhyaya and Others Vs. Union of India & Others (copy whereof is annexure -1);

2. Succintly, the facts of this case, inter-alia, are that the all the applicants were appointed on the post of Asstt. Station Master in the N.E. Railway on different dates under the respondents and were posted under the respondent No. 4 and they were selected against 10% Graduate Traffic Apprentice Quota as per letter No.

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F/00/254/4/Yatayata Prashikshu/84 dated 12.12.84 and 11.10.84; and the applicants were sent for the training to Zonal Training School Muzaffarpur on 4.1.1985 and after having completed their training were posted as per letter dated 12.11.1986 (copy whereof is annexure-2), and were given regular posting as Traffic Inspector on 5.5.1987 except the applicant No. 5 who was posted on 25.5.1987 (vide annexure 3 and 4 to this application). The applicants were allowed the pay-scale of Rs. 455-700/- at the time of promotion and that scale has been converted into the scale of Rs. 1400-2300/- w.e.f. 1.1.1986; ^{and} they have been allowed the pay-scale of Rs. 1600-2660/- w.e.f. 16.7.91 (annexure-5) but that should have been given since 5.5.1987.

3. The main grievance of the applicants appeared to be that according to the applicants they were entitled for the above pay-scale of Rs. 1600-2660/- actually from the date of their actual promotion i.e. from 5.5.1987, but they have been given the above scale only w.e.f. 16.7.91; though the order were issued by the Railway Board to award the pay scale of Rs. 1600-2660/- w.e.f. 15.5.87. It has been further stated that the applicants are entitled to get pay-scale of Rs. 1600-2660/- w.e.f. date of awarding to the directly recruited persons, as directly recruited persons who were appointed after the appointment of the applicant, are getting more salary than the applicant.

4. I have heard the learned counsel for the applicants and have perused the papers annexed thereto.

5. The learned counsel for the applicants while drawing my attention to the contents of the application and papers annexed thereto has urged that the representation

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of the applicants (which is annexure 10) have still not been decided by the General Manager N.E. Railway, Gorakhpur who is respondent No. 3 in this case, and has further [~] ~~stated~~ [~] that if the above representation (annexure-10) is decided by the General Manager N.E. Railway, Gorakhpur at an early date by ~~the~~ [~] reasoned and speaking order in accordance with extant rules, regulations and the directions of this tribunal as per orders and directions of this tribunal dated 10.5.1991 passed in O.A. No. 79 of 1991, R.P. Upadhyaya and others (Applicants) Vs. Union of India & Others (Respondents) (vide annexure-1), this may go a long way in substantially redressing the grievances of the applicants. This is noteworthy that annexure 10 which [^] [^] [^] representations of the applicants is still lying undecided with the respondent No. 3, General Manager, N.E. Railway, Gorakhpur.

6. Having considered all the facts and circumstances of the case and all aspects of the matter, I find it expedient that the ends of justice would [~] ^{be} met, if the respondent No. 3, General Manager, N.E. Railway, Gorakhpur is directed to decide the above representation of the applicant (annexure-10) by reasoned and speaking order in accordance with extant rules, regulations and orders in this regard and keeping in view the principle of law and observations and directions made by this this tribunal in O.A. No. 79 of 1991, R.P. Upadhyaya (and others (Applicants) Vs. Union of India & Others (Respondents) (copy whereof is annexure -1); within a period of two months from the date of receipt of the copy of this order, and I order accordingly.


7. It is made clear that in case, if the above

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representation of the applicants (Annexure-10) is not readily available with the respondent No. 3, General Manager, N.E. Railway, Gorakhpur, then in that case, the applicants shall furnish a copy thereof to the respondents No. 3, General Manager, N.E. Railway Gorakhpur, within a period of 15 days from the date of receipt of the copy of this order to enable the respondent No. 3, General Manager, N.E. Railway, Gorakhpur to decide the representation within the aforesaid specified period of time. The applicants shall be at liberty to seek the legal remedy if they were not satisfied with the decision of the General Manager, N.E. Railway, Gorakhpur, as directed above.

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


Member (J) 27.8.92

Lucknow Date 27.8.1992.

(RKA)