

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 198 OF 2006

with

M.As.187 & 239 of 2006

[Patna, this Friday, the 5<sup>th</sup> Day of January, 2007]

.....

C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

.....

Tirth Raj Pandey,  
S/o Late Ram Abhilakh Pandey.

Vs.

The Union of India through General Manager,  
E.C.Railway, Hazipur [Vaishali]  
& 10 [ten] Ors.

Counsel for the applicant. :- Shri Sanjay Kumar.

Counsel for the respondents.:- Shri Mukund Jee, SC.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- This application was called out for hearing. At the outset it was pointed out that in para 8 following reliefs have been sought by the applicant:-

[i] Fixation of pay as per recommendations of the 5<sup>th</sup> Pay Revision Commission with payment of arrears.

[ii] Payment of emoluments for sanctioned leave.

[iii] Other relief or reliefs for which applicant is entitled for such as payment of duty period from 02.04.1994 to 05.04.1994.

[iv] Transfer and composite grant.

2. The learned counsel submits that he would withdraw all other reliefs, but in this application he will press only the relief of fixation of his pay



as per accepted recommendation of the 5<sup>th</sup> Pay Revision Commission with consequential relief of payment of further subsequent increments and arrears. Therefore, this application will be considered only for the aforesaid relief.

3. Learned counsel submits that in that regard he had also submitted certain representations to the higher authorities which did not elicit any favourable response and the matter has been hanging since long. Annexure-A/4 in that regard has been pointed out. However, along with this application certain documents have also been filed such as Annexure-A/3, dated 29.11.1997, a letter issued by the Sr. Sectional Officer, BRKD stating therein that the applicant's pay particulars had not been received, nor statement of fixation of his pay vice 5<sup>th</sup> Pay Revision Commission. Similar communications have been sent through Annexures-3/A, 3/B & 3/C. <sup>From</sup> another communication from the concerned official to DRM, E.C.Railway, Danapur at Annexure-3/D it will appear that the official had also opined that because of non-fixation of his regular salary the applicant was suffering loss of approximately ten increments per month.

4. Since such representations are pending, this matter should have been disposed of by the concerned authorities by now.

5. The learned counsel for the applicant and the learned Standing Counsel representing the respondents submit that respondent no.7 [Sr. DPO, E.C.Railway, Danapur] is the competent authority to decide this matter.


6. This matter, therefore, is remitted back to the respondent no.7 aforesaid with a direction to consider the representation and communications sent by the authorities of the Railway, as also to consider this application as further representation, and take a decision in the matter of fixation of salary of

the applicant as per recommendation of the 5<sup>th</sup> Pay Revision Commission after giving the applicant an opportunity to be heard. This should be done within four months of receipt of a copy of this order. The applicant will also provide to respondent no.3 a copy of this order as well a copy of this application with annexures, within ten days of receipt of a certified copy of this order.

7. In so far as MA 187 of 2006 for condonation of delay in filing the OA is concerned, the claim, as has now been limited, being of recurring loss, there is no need to pass any order on condonation.

In that view of the matter this M.A. and another MA 239 of 2006 are not pressed.

Therefore, along with this OA, the aforesaid two M.As. also stand disposed of.



[P.K.Sinha]/VC

skj.