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BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NOS. 401/89 AND 506/91.

Shri V. S. Solanki & 4 Others ... Applicants in
O.A. No. 401/89.

Shri G. S. Prasad & 13 Others ... Applicants in
O.A. No. 506/91.

Versus

Union Of India & Others ... Respondents.

CORAM :

Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

Hon'ble Shri P. P. Srivastava, Member (A).

APPEARANCE :

1. Shri S. C. Dhawan alongwith
Shri M. I. Sethna, Counsel
for the Respondents.

ORAL JUDGEMENT

DATED : 05.10.1994.

¶ Per. Shri M. S. Deshpande, Vice-Chairman ¶.

1. Shri Y. R. Singh, who was the Learned Counsel for the applicant in O.A. No. 401/89, has placed before us a copy of the letter dated 29th August, 1994 by which he had informed the Applicants that he had to seek adjournment twice, as he had not been instructed further by the applicants and that he has also made it known to the Applicants that he shall withdraw his appearance for lack of instructions. In view of the request made by Shri Y. R. Singh, we allow him to withdraw his

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appearance in O.A. No. 401/89. The applicants have already been informed by the Learned Advocate that the matter is at the stage of final hearing. Shri Singh states that he has no instructions in O.A. No. 506/91 also to appear for the applicants therein, though the matter was being adjourned from time to time. We therefore proceed to decide these two cases on merits. The prayers in both these cases are identical. The relief being sought for in this application is that the applicants who belong to the category of PWI-III should be placed in the pay scale which is higher than the scale of pay of Rs. 1400-2300 (RPS) with effect from 01.01.1986 and that they should be given pay scale higher than that of category of Permanent Way Mistries with all the attendant benefits of refixation of pay. The prayer is being opposed on behalf of the Respondents. Shri Sethna, Learned Counsel for the Respondents, pointed out to us that a similar relief was claimed in O.A. No. 2029 & 2039 to 2041 of 1988 decided on 27.07.1989 Shri A. Christopher V/s. Chief Engineer, Southern Railways and the directions were:

(i) We Declare, that equation of the "Supervisory" post of PWI, with those of PWM, DTTM, etc., (which are in feeder channel to it,) for the purpose of fixation of pay scale, with effect from 01.01.1986 is ex facie, inequitable and anomalous.

(ii) We Direct, that the competent authority, re-evaluate the nature of duties and responsibility involved in the post of PWI, objectively and revise its pay scale with effect from 01.01.1986, in the light of our above observations.

- (iii) We further Direct, that the respondents fix the pay of the applicants appropriately, as on 01.01.1986, in the pay scale, that would be revised as above and grant them arrears of emoluments as a result, from that date.
- (iv) This Order be complied with, within a period of 6 months from its receipt.

It appears that the applicants took out a Contempt Petition before the Bangalore Bench of the Tribunal, alleging that there was wilful disobedience of the directions of the Court, by the Respondents. By the Order dated 22.01.1993, the Bangalore Bench of the Tribunal found that there has been no wilful disobedience on the part of the respondents/alleged contemners in complying with the orders of the Tribunal and hence the contempt petitions were therefore liable to be dismissed. However, liberty was granted to the Petitioners therein to agitate against the communication dated 12.07.1991 issued to the contempt petitioners before the appropriate forum in accordance with law.

2. Shri Sethna, Learned Counsel for the Respondents pointed out that by the letter dated 12.07.1991, the Contempt Petitioners had been advised that there were no circumstances to revise the scale of pay of Permanent Way Inspectors Grade III. The Bangalore Bench of the Tribunal found that the Respondents had re-evaluated the nature of duties and responsibilities involved in the post of Permanent Way Inspectors, as directed by the Bangalore Bench of the Tribunal.

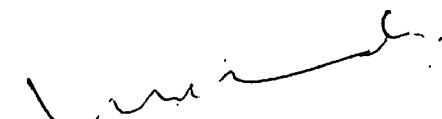
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3. Considering that there was already a decision by the Bangalore Bench of the Tribunal, which resulted in the communication dated 12.07.1991 aforesaid, we do not think that the Petitioners are entitled to any relief in the present petition. We would therefore, dispose of the present petition in the light of the decision of the Bangalore Bench of the Tribunal, with liberty to the applicants to challenge the communication dated 12.07.1991, if they are so advised, which has not been challenged in the present proceedings. With this liberty, the two petitions are disposed of. No order as to costs.



(P. P. SRIVASTAVA)

MEMBER (A).



(M. S. DESHPANDE)

VICE-CHAIRMAN.

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