

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.843/2001.

Wednesday, this the 12th day of June, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,
Hon'ble Shri M.P.Singh, Member (A).

P.M.Jogdand,
Quarter No.RBI-758-E,
Panchawati Rly. Colony,
Shirdi Road, Manmad,
C.R. Distt. Nasik.Applicant.
(By Advocate Shri A.A.Bade)

v.

1. The Secretary,
Department of Indian Railway,
ShastriBhavan,
New Delhi.
2. The General Manager,
CORE, Allahabad.
3. CPM RE Vijayawada,
Dist. Vijaywada (A.P.).
4. Chief Project Manager Railway,
Electrification Ranchi.
5. The Divisional Railway Manager,
Bhusawal Division Central Railway,
Bhusawal C.R. District, Jalgaon.Respondents.
(By Advocate Shri R.R.Shetty)

: ORDER (ORAL) :

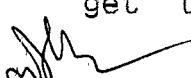
M.P.Singh, Member (A).

By filing this O.A., the applicant has sought the following relief:

"Petitioner claims Higher Grade in scale 1200-1800 from 19.1.1993 onwards & Corresponding increased DA/HRA/CCL etc. the grade which was granted in OA No.1036/93 for Nagpur period but there is no whisper for rejection of further wages Hon'ble High Court in WP No.2995/1998 had observed as under.

"It is humbly submitted that CAT Nagpur has not assigned any reason for onward rejection".

Hence increased wages in terms of CAT order for Nagpur Station be released for further posting at Bezwada & Ranchi. Once higher grade is awarded to a worker he must get those wages on all subsequent posting in the grade.

2.

The petitioner was never reverted or reduced in rank till 6.12.1996 when he was reverted and absorbed as Khalasi the order which is subjudice before Hon'ble High Court in W.P. No.2304/98. The petitioner had worked as Crane Driver/M Driver/T.W. Driver only at Bezwada & Ranchi in continuation to his Nagpur posting."

2. The brief facts of the case are that, the applicant was earlier appointed as a Crane Driver in the Railways in the year 1987. Subsequently, he was reverted to the post of Khalasi on 6.12.1996 and was transferred to Manmad. He had filed an OA (viz. OA No.1036/93) in the Mumbai Bench of the Tribunal claiming higher pay scale of Rs.1200-1800. The Tribunal vide its order dt. 10.10.1997 granted the benefit of higher pay scale for the period from 19.1.1991 to 19.3.1992 till his departure to Kazipeth. The said order of the Tribunal was carried to the Hon'ble High Court. The Hon'ble High Court vide its order dt. 10.10.2000 in Writ Petition No.2995/1998 passed the following order :

"The petitioner is impugning the decision of C.A.T. under which the C.A.T. has found him not entitled for higher grade on his departure to Kazipeth. We do not find any error or illegality in the impugned order. Petition is dismissed".

Thereafter, the applicant filed an S.L.P. against the order of the Hon'ble High Court. The S.L.P. filed by the applicant was dismissed by the Hon'ble Supreme Court on 26.3.2001.

3. During the course of arguments, the Learned Counsel for the applicant stated that the higher pay scale for the period, he worked at Nagpur was granted by the Tribunal. However, the Tribunal neither assigned any reason nor made any mention of rejecting his prayer for grant of higher pay scale for the period he worked at Vijayawada and Ranchi. Therefore, the High

Court vide aforesaid order should not have rejected his prayer for grant of higher pay scale with regard to Kazipet, although such prayer was never rejected by the Tribunal. On the other hand, the Learned Counsel for the Respondents stated that even if the contention made by the Learned Counsel for the applicant is accepted, the matter already stands adjudicated by the Hon'ble High Court. Moreover, the order of High Court has also been challenged in the Supreme Court by way of filing S.L.P. The Hon'ble Supreme Court vide its order dt. 26.3.2001 dismissed the S.L.P. Therefore, the applicant cannot move the High Court to bring this fact to their notice at this stage. In view of the fact that the prayer of the applicant for grant of higher pay scale for Kazipet has already been considered and rejected by the High Court, the same cannot be re-adjudicated by this Tribunal. In fact, the Tribunal has no jurisdiction in such matter. In view of this position, the OA is devoid of merit and is accordingly dismissed.

M.P.Singh
(M.P.SINGH)
MEMBER(A)

B.Dikshit
(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.

dl 12/6/01
Order/Judgement despatched
to Applicant, Respondent(s)
04/7/02

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