

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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Date of Order : | . | .2002.

O.A.NO. 490/1994

B.N.Nag S/o Sh. G.P.Nag, aged about 64 years, R/o 13/62, Nahar Mohalla, Modion Ki Haveli, Naya Bazar, Ajmer (since retired as Senior Electric Chargeman from the office of Divisional Railway Manager, Western Railway, Ajmer).

.....Applicant.

VERSUS

1. The Union of India through the General Manager, Western Railway, Churchgate, Bombay.

2. The Divisional Railway Manager, Western Railway, Ajmer.

.....Respondents.

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CORAM :

Hon'ble Mr. S.K.Agarwal, Administrative Member

Hon'ble Mr. A.P.Nagrath, Administrative Member

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Mr. R.P.Sharma, Counsel for the applicant.

Mr. Manish Bhandari, Counsel for the respondents.

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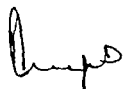
PER MR.A.P.NAGRATH :

The applicant retired as a Senior Electrical Chargeman on 29.2.1988 while working under the Divisional Railway Manager, Western Railway, Ajmer. His grievance is that his junior one Shri Satnam Singh, was given the benefit of pay scale of R. 2000-3200 with effect from 1.1.1984 as a consequence of re-structuring of posts. As on that date i.e. 1.1.1984, he was in service and senior to Shri Satnam Singh. He submits that despite making several representations, his pay has not been fixed in the scale of Rs. 2000-3200 and in this way he is suffering at both ends viz. the pay fixation with effect from 1.1.1984 and as a consequence payment of pensionary benefits.

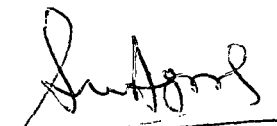


2. We have heard the learned counsel for the parties. The learned counsel for the respondents Shri Manish Bhandari stated that applicant's claim is based on the benefit extended to one Shri Satnam Singh. The respondents have reviewed the case of Shri Satnam Singh and have decided to withdraw the same as it was discovered that Shri Satnam Singh was not entitled to be placed in the grade of Rs. 2000-3200 with effect from 1.1.1984. The learned counsel also stated that a show cause notice had already been served on the said Shri Satnam Singh against which he has moved an O.A. 571/2000. After issue of the show cause notice Shri Satnam Singh has been continuing to enjoy the benefit of the scale Rs. 2000-3200 with effect from 1.1.1984 only by virtue of the interim order passed by this Tribunal.

3. We had also heard the other O.A. 571/2000 filed by Shri Satnam Singh and have decided the same by rejecting his claim and upholding the decision of the respondents of withdrawing the benefit of pay scale of Rs. 2000-3200 which had been erroneously granted to Shri Satnam Singh with effect from 1.1.1984. In view of our decision in the O.A. No. 571/2000 the cause of action in favour of the applicant Shri B.N.Nag, does not survive any more and this O.A. has become infructuous. We, therefore, dismiss this O.A. as having become infructuous. No order as to costs.



(A.P. Nagrath)  
Adm. Member



(S.K. Agarwal)  
Judl. Member

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jrm