

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH, CIRCUIT COURT SITTING AT BILASPUR
Original Application No. 277 of 2005**

BILASPUR, THIS THE 29th DAY OF JULY, 2005.

**Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member**

**B.P. Tiwari
Aged 68 Yrs. S/o Shri G.P. Tiwari
Retired Mail Guard: S-E-Central Railway
r/o Sewa-Sadan, Talapara Road
Vinoba Nagar : Bilaspur-CG**

Applicant

(By Advocate – Shri R.D. Shrivastava)

VERSUS

1. **Union of India
Through : The General Manager,
South Eastern Central Railway,
Bilaspur-CG.**
2. **The Senior Divisional Personnel Officer,
South Eastern Central Railway,
Bilaspur-CG.**

Respondents

(By Advocate – Shri S.P. Sinha)

ORDER (Oral)

By M.P. Singh, Vice Chairman –

Although this case has been listed today for orders, with the consent of parties, we dispose of this Original Application finally.

2. By filing this Original Application, the applicant has sought the following main reliefs :-

“(2)to direct the respondents to fix the pay of the applicant admissible to the Passenger Train Guard and, thereafter, pay the difference thereof between the pay of



Goods Train Guard and Passenger Train Guard from 18.8.1986 to 26.9.1993.

- (3)to direct the respondents to fix the pay of the applicant admissible to the Mail Train Guard and, thereafter, pay the difference thereof i.e. between the pay of Passenger Train Guard and Mail Train Guard from 9.4.93 to 31.10.94.

3. The brief facts of the case as stated by the applicants are that he was working as Goods Train Guard with the respondents-railways and while working as such, he was appointed to officiate as Guard Grade 'B': Passenger Train Guard w.e.f. 18.8.1996 for a period of 30 days. He has, therefore, claimed the fixation of pay as on promotion i.e. one increment over the pay in the scale of Goods Train Guard (Rs.1200-2040) and then fixation of his pay at the next stage in the scale of Rs.1350-2200 as Passenger Train Guard in terms of Para 913 of the Indian Railway Establishment Manual, Vol.I (1989 Edn.). Since the respondents have not given these benefits, the applicant has filed this O.A. by claiming the afore-mentioned reliefs.

4. In their reply, the respondents have controverted the facts mentioned in the O.A.

5. The learned counsel for the applicant has submitted that he will feel satisfied if a liberty is given to the applicant to file a representation to the respondents and the respondents are directed to consider his representation as well as this OA as part of the representation and take a decision.

6. Heard the learned counsel of both the parties.

7. After considering the arguments advanced on behalf of both the parties, we dispose of this Original Application by giving a



liberty to the applicant to file his representation within a period of two weeks from the date of receipt of a copy of this order. If the applicant complies with this, the respondents are directed to take a decision on the representation of the applicant within a period of four months from the date of receipt of a copy of the representation. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

पृष्ठांकन सं ओ/ज्या.....जबलपुर, दि.....
पत्तिलिपि अद्योक्षित:-

- (1) सचिव, राज्य न्यायालय वार एडमिनिस्ट्रेशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के मातंगल
- (3) प्रत्यक्षी श्री/श्रीमती/कु.....के मातंगल
- (4) ग्रंथपाल, से.प्र.अ., जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

R.D. Shrivastava
B.K. Bilasani
S.P. Singh
B.K. Singh

Issued
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9/8/05