

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 947 of 2004

Jabalpur, this the 16th day of February, 2005

Hon'ble Shri Madan Mohan, Judicial Member

B.B. Sharma, S/o. late Kanahiya Lal
Sharma, Date of Birth – 02.12.1936,
R/o. 73, Vikas Colony, Bagh Dilkhush,
Raisen Road, Bhopal.

.... Applicants

(By Advocate – Shri S. Paul)

V e r s u s

1. The General Manager,
West Central Railway, Jabalpur.

2. The Divisional Railway Manager,
West Central Railway, Jabalpur
Division, Jabalpur.

.... Respondents

(By Advocate – Shri M.N. Banerjee)

O R D E R (Oral)

By filing this Original Application the applicant has claimed the following main reliefs :

“(ii) command the respondents to extend the benefit of judgment passed by the Mumbai Bench (FB) in OA No. 542, 942 and 943 of 1997 decided on 21.9.2001 (Baburao Shanker Dhuri and others Vs. Union of India and others) Annexure A-3 to the applicant also,

(iii) consequently, command the respondents to pay 97% DA in pay for the purpose of emoluments for calculating DCRG to the applicant.”

2. Heard the learned counsel for the parties.

3. The learned counsel for the respondents states that the Hon'ble Supreme Court in the case of State of Punjab & Ors. Vs. Amar Nath Goyal & Ors., in Civil appeal No. 129 of 2003, vide order dated

27.7.2004 has ordered that the writ petitions pending before the Bombay High Court shall stand transferred to this Court. He further submitted that the matter involved in this OA and the matter involved before the Hon'ble Supreme Court in the aforesaid Civil Appeal are exactly similar. Hence, as now this matter is subjudice before the Hon'ble Supreme Court, the outcome of the said Civil Appeal shall be applicable to the present OA. He further argued that a similar OA No. 628/2004 – P.K. Shrivastava & Ors. Vs. Union of India & Ors., was decided by this Tribunal on 13th December, 2004. The learned counsel for the applicant accepted the aforesaid arguments advanced on behalf of the respondents.

4. Accordingly, in view of the submissions made above by the parties, the Original Application is disposed with a direction that the outcome of the said Civil Appeal No. 129/2003 shall be applicable in the present OA.

(Madan Mohan)
Judicial Member

“SA”

प्रमाणित सं ओ/व्या.....जबलपुर, दि.....

पतिनिधि आदेशित:-

- (1) सचिव, उच्च न्यायालय कारागार, जेलखाना, जबलपुर
- (2) अवेकट रि/प्री/सी/एडु.....के काउंसल
- (3) प्रत्यर्थी श्री/डी/सी/एडु.....के काउंसल
- (4) वर्यवर्ग, डी/सी/एडु, जेलखाना, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

S.P.W. AN 3038
M.D. Bhatnagar
AN 3037

Issued
On 18.2.05
BS