

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Application No.192/03, 241/03 and 490/03

Jabalpur, this the 10th day of February, 2005

Hon'ble Mr. M.P. Singh, Vice chairman

Hon'ble Mr. Madan Mohan, Judicial Member

(1) Original Application No. 192/03

K. Ram Mohan Rao
S/o Late Chintayya
Aged about 62 years,
Avenue B-Qr.No.3 B,
Sector-7,
Bhilai, District Durg.

Applicant

(By Advocate – Shri V. Tripathi on behalf of Shri S.Paul)

VERSUS

1. Union of India,
through its General Manager
South Eastern Railway,
Garden Reach, Kolkata.
2. The Chief Personnel Officer
South Eastern Railway,
Garden Reach, Kolkata.
3. The Divisional Railway Manager(P)
South Eastern Railway,
Bilaspur Division. Bilaspur
4. The Sr. Divisional Personnel Officer,
South Eastern Railway,
Bilaspur Division.
Bilaspur

Respondents.

(By Advocate – Shri S.S.Gupta)

(2) Original Application No. 241/2003

Ratneshwar Roy,
S/o late Bamacharan Ro-y,
aged about years,
Retd. Station Superintendent Gr.II,
South side of Agrawal Gudaku Factory,
Shankar Nagar, Post Bilaspur, RS,
District Bilaspur(C.G.)

Applicant

(By Advocate – Shri V. Tripathi on behalf of Shri S.Paul)

VERSUS

1. Union of India,
through its General Manager
South Eastern Railway,
Garden Reach,
Kolkata.
2. The Chief Personnel Officer
South Eastern Railway,
Garden Reach,
Kolkata.
3. The Divisional Railway Manager
South Eastern Railway,
Bilaspur-RS(C.G)
4. The Sr. Divisional Personnel Officer,
South Eastern Railway,
Bilaspur (C.G.)

Respondents.

(By Advocate -Shri S.S.Gupta)

(3) Original Application No. 490 /2003

S.A. Mohiddin
Aged about 67 years,
R/o 2/24/5-6,
Shanti Nagar,
Khaja Manzil
Nidadavolu-354301
West Godavari district(AP)

Applicant

(By Advocate – Shri V.Tripathi for Shri S.Paul)

VERSUS

1. Union of India,
through its General Manager
South Eastern Railway,
Bilaspur -RS
Bilaspur(Chhatisgarh)

2. The Chief Personnel Officer
South Eastern Railway,
Garden Reach,
Kolkata.
- 3 The Divisional Railway Manager
South Eastern Railway,
Bilaspur-RS
Bilaspur(C.G)
4. The Sr. Divisional Personnel Officer,
South Eastern Railway,Bilaspur-RS
Bilaspur (C.G.)

Respondents.

(By Advocate – Shri S.P. Sinha)

COMMON (ORDER)

By Madan Mohan, Judicial Member

The issue involved in these OAs is common and facts and ground are similar and therefore, for the sake of convenience these OAs are being disposed of by this common order.

2. By filing these OAs the applicants have sought the following main reliefs :-

“(ii) Direct the respondents to provide benefit to the applicant as given to the applicants of A OA No.310/97 and 295/96.

(iii) Direct the respondents to pay the arrears of pay and salary arising out of the restructuring scheme w.e.f. 1.1.1984 in the grade of Rs.700-900.

(iv) Direct the respondents to pay all the amount of arrears of pay and allowances w.e.f. 1.1.1984 with all consequential benefits.”

3. The brief facts of the case are that the applicants were initially appointed as Assistant Station Master on 27.4.1962, 23.3.1962 and 15.1.1963 and they belong to the cadre of Assistant Station Master, Station Master and the Deputy Station Master^{respectively}. The respondents have framed a scheme for restructuring of the cadre of Assistant Station Master and Station

Master vide order dated 27.7.1983. When the scheme was not implemented in its true spirit, some aggrieved employees filed Original Application before the Central Administrative Tribunal. Thereafter, the order of the Tribunal was challenged by the employees before the Hon'ble Supreme Court in Civil Appeal No.2054/90. The Hon'ble Supreme Court had allowed the said appeal vide order dated 30.4.1990. The judgment of the Hon'ble Supreme Court was not implemented by the respondents' department. Therefore, the employees had filed Contempt Petitions No. 130 & 195 of 1991. The Hon'ble Supreme Court had disposed of the Contempt Petitions vide order dated 14.5.1993 with a direction to the respondents to finalise the case of promotion of the employees within 2 months from ^{date of the order} ~~the~~ and it was further clarified that the promotion and all benefits shall be given retrospectively. Thereafter, the respondents' department issued an order dated 24.9.1993 by which the benefit of restructuring scheme was given to 24 eligible employees. The name of the applicants were shown at Sl. No. 3, 7 and 8 in the aforesaid order. The applicants were given benefit of restructuring w.e.f. 1.1.1984. However, the applicants was given only notional fixation and the arrears of salary was not given to them. Whereas the Hon'ble Supreme had directed the respondents in the aforesaid Contempt Petitions to provide the benefit of cadre restructuring from retrospective effect to the employees and also the other similarly situated employees are entitled for all benefits including arrears of salary from retrospective effect. The respondents have not assigned any reason as to why the arrears of salary has not been paid to the applicants and other similarly situated employees. Feeling aggrieved with the action of the respondents some similarly situated employees filed Original Applications 295/96 and 310/97 before this Tribunal wherein the Tribunal had directed to the respondents that the applicants are entitled for arrears of pay and allowances from the date of their promotion with all consequential benefits. The applicants are also expecting the same benefits but the respondents have not given the same benefits to them. Hence, these OAs.

4. Heard the learned counsel for the parties and carefully perused the records.

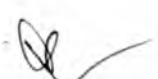
5. The learned counsel for the applicants has submitted that the present case is squarely covered by the judgment of the Hon'ble Supreme Court in the case of **S.B.Sarkar & Ors.Vs. Union of India** passed in the Civil Appeal No. 2054/1990 decided on 30.4.1990 and also squarely covered by the order of this Tribunal in case of **G.P.Kori Vs. Union of India & ors.** passed on 15.3.2002 in OA No.295/96 , wherein it has been held as under :-

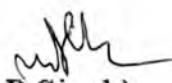
“We have considered the facts of this case and heard the learned counsel of both the parties. In view of the facts that the claims in the present application similar to in OA 305/97 and OA 242/97 we allow similar directions to the respondents in this case, that the respondents are directed to pay to the applicant the actual arrears of pay and allowances from the date of their promotion with all consequential benefits, within a period of four months from the date of receipt of a copy of this order.”

6. On the other hand the learned counsel for the respondents in OA No. 490/03 has submitted that the respondents have already paid the amount claimed by the applicant. He has further stated that the applicants were retired in the year 1993 and the service records of the applicants are not available with the respondents.

7.. After considering all the facts and circumstances of the case and carefully perusal of the judgment of Hon'ble Supreme Court and the order this Tribunal, we find that the present OAs are fully covered in all fours by the order of this Tribunal dated 15.3.2002 in the case of **G.P.Kori (supra)**. We direct that the aforesaid order dated 15.3.2002 shall mutatis mutandis applicable in the present cases of the present applicants as well and the respondents are directed to verify the facts that whether they have paid all the amounts claimed by the applicants and if not paid they are directed to pay all the amounts claimed by the applicants.

7. In the result, the aforesaid OAs are disposed of in the above terms. No costs.


(Madan Mohan)
Judicial member


(M.P.Singh)
Vice Chairman