

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

....

Original Application No. 50 of 2002  
and  
Original Application No. 51 of 2002

Jabalpur, this the 24th day of June, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Member (J)

OA No. 50/02

Anil Kumar Mahajan, Aged about 33 yrs.,  
son of Dr. N.N. Mahajan,  
Occupation: Junior Engineer (Works) II  
Office of O.S.D. Nagpur

R/o D/63/A, Near Central Railway Hospital,  
DRM Campus, Nagar.

OA No. 51/02

Rajesh Kumar Shrivastava  
Aged about 35 years,  
son of late Shri S.D. Shrivastava,  
Occupation: Junior Engineer (Works) III  
Office of O.S.D. West Central Rly.,  
Engineering Branch, Jabalpur.

R/o H.No. 1438, Bai Ka Bagicha,  
IVth Line, Jabalpur.

...Applicants

(By Advocate: None)

-versus-

DA No. 50/02 & 51/02

1. Union of India through  
Railway Ministry,  
New Delhi.
2. General Manager,  
Central Railway,  
Chhatrapati Shivaji Terminus,  
Mumbai.
3. Chief Personal Officer (Engg.)  
Central Railway C.S.T. Mumbai.
4. Divisional Railway Manager,  
Central Railway,  
Jabalpur.

...Respondents

(By Advocate: Shri H.B. Shrivastava)

O R D E R (O A L)

By Madan Mohan, Judicial Member -

Since the facts and issues involved in both these  
O.As are identical, for the sake of convenience, we are

disposing both these O.A. by this common order.

2. Since none is present on behalf of the applicants in both the OAs and the OAs being old pertaining to the year 2002, we proceed to dispose of these OAs by invoking the provisions of Rule 15 of the C.A.T. (Procedure) Rules, 1987.

3. The brief facts of the OAs are that the applicants were appointed as Inspector of Works (I.O.W.) Grade-III, which is now designated as Junior Engineer Gr.II (Works),  
Railway  
by Recruitment Board, Mumbai. They were posted under Deputy Chief Engineer (Construction), Central Railway, Ajni Nag Nagpur and Deputy Chief Engineer (Construction), Jabalpur, respectively. The applicants while working as Junior Engineers (Works) II in the DRM office (Works), Jabalpur in earthquake rehabilitation works, their pay for the months of June 2000 to September, 2000 (04 months) and from June, 2000 to January 2001 (08 months) respectively have not been paid despite their running from pillar to post through numerous representations. Aggrieved by this the applicants have filed these Original Applications claiming the aforesaid reliefs.

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

5. The learned counsel for the respondents argued that the necessary ex-post facto sanction has since been obtained for payment to the applicants. He further argued that the following payments have been made;

A.K.Mahajan  
(OA 50/02)

Wages from June 2000 to September 2000 vide order dt. 21.6.2002. Rs.27,468/-

R.K.Shrivastava  
(OA 51/2002)

Wages from June 2000 to Sept. 2000 vide order dt. 21.6.2002 and Wages from Octo.2000 to January, 2001 vide order dated 19.6.2002. Rs.34,260/-  
Rs. 36,808/-

Hence, the reliefs claimed by the applicants in both these OAs have been granted and the OAs No. 50/2002 and 51/2002 have become infructuous.



6. We have given careful consideration to the contention made on behalf of the respondents and on perusal of para 6 of the replies filed in both these O.As by the respondents, we find that the reliefs regarding payment of wages for the aforesaid periods as claimed by the applicants have been granted to them by the respondents. So far as the relief <sup>grant of</sup> claimed by the applicant with respect of/compensation, the same cannot be granted by the Tribunal for want of jurisdiction.

7. In view of the aforesaid, we are of the considered opinion that the main relief of the applicants has become infructuous and the OAs are accordingly dismissed as infructuous. However, applicants will be at liberty to move the appropriate forum for compensation in accordance with law.

Sd/-

(Madan Mohan)  
Judicial Member



Sd/-

(M.P. Singh)  
Vice Chairman

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

प्रतिलिपि आगे भिजल:-

- (1) सचिव, उच्च न्यायालय वार एडमिनिस्ट्रेशन, जबलपुर
- (2) आदेशक श्री/श्रीमती/कु.....के कार्यालय
- (3) प्रत्यक्षी श्री/श्रीमती/कु.....के कार्यालय
- (4) कार्यपालक, को.प्र.अ., जबलपुर न्यायाधीश  
सूचना एवं आवश्यक कार्यवाही हेतु

उप सचिव