

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT INDORE

Original Application No. 592 of 2002

Indore, this the 13th day of January, 2005

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

1. Motisingh, S/o. Bahori Singh,
aged 42 years, Motor Driver,
Vikram Nagar, Quartern No. 17/A,
Railway Colony, Ujjain.
2. K.N. Ramakrishnan, aged 45 yrs.,
working under DEE, TRD Ujjain. ... Applicants

(By Advocate - Shri A.N. Bhatt)

V e r s u s

Union of India - represented by

1. The General Manager,
Western Railway, Churchgate-
Mumbai - 20.
2. The Divisional Rail Manager,
Western Railway, Do-batti,
Ratlam - 457001. ... Respondents

(By Advocate - Shri Y.I. Mehta)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicants
have claimed the following main reliefs :

"8.1 the respondents may kindly be directed to absorb and regularise the applicants as Class III employee in their respective designation from the date of his being surplus,

8.2 to direct the respondents that pay and pay scale of the applicant may be protected and started to their original status. This pay and pay scale be restored to their original status,

8.3 all the consequential benefits including pay and allowances and arrears may kindly be awarded,

8.4 interest at the rate prevailing may kindly be awarded."

2. The brief facts of the case are that the applicants were recruited as Driver in the scale of Rs. 950-1500/- in Group-C category in the Railway Electrification project on

11.3.1985 and 24.12.1981 respectively. From the date of recruitment/promotion the applicants were working in Class III category in the scale of Rs. 950-1500/- and were getting regular increments. On account of their regular grant of increments in Group-C category their pay in the year 1996 reached up to Rs. 1,150/-. The applicants now have been reverted as Khallasi on being surplus in the scale of Rs. 750-940/- and the pay has also been reduced to minimum of Rs. 750/-. At present they are working as Driver-cum-Khallasi from 1990 and 1992 respectively and are receiving pay on the reduced rate in the scale of Rs. 750-940/-. though they were initially recruited as Class III employees in the scale of Rs. 950-1500/- and worked as such upto year 1990 and 1992 and also earned annual increments and other benefits during this period. Against this reversion as well as reduction in the pay scale they have submitted representation to the Railway administration but of no use. Hence, this OA is filed.

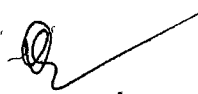
3. Heard the learned counsel for the parties and carefully perused the records and pleadings.


4. It is argued on behalf of the applicants that a similar OA No. 328/1996 was filed before this Tribunal and the Tribunal vide its order dated 19.5.2000 has allowed the said OA. Thereafter, the respondents preferred a writ petition No. 1680/2000 before the Hon'ble High Court of Madhya Pradesh Bench at Indore and the Hon'ble High Court vide order dated 5th August, 2004, disposed of the said WP. Further the applicants of that OA No. 328/1996 has filed a SLP No. 22919/2004 before the Hon'ble Supreme Court. The matter is still pending before the Hon'ble Supreme Court. Thus, the learned counsel for the applicants argued that the present OA can be disposed of with a direction to the respondents that the judgment so passed by the Hon'ble Supreme Court in



the aforesaid SLP No. 22919/2004, shall be binding on the present Original Application. The learned counsel for the respondents does not opposes to it.

5. Accordingly, the present Original Application is disposed of with a direction to the respondents that the judgment so passed by the Hon'ble Supreme Court in the aforesaid SLP No. 22919/2004, shall be binding on the present Original Application. No costs.


(Madan Mohan)
Judicial Member

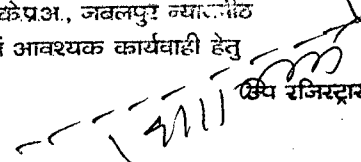

(M.P. Singh)
Vice Chairman


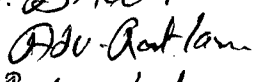
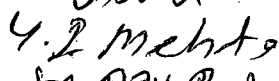
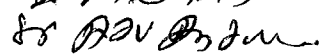
"SA"

पूरांकन सं ओ/न्या.जबलपुर, दि.....

प्रलिलिपि अर्जोपिल:-

- (1) सचिव, उच्च न्यायालय नगर एजोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/कु.के काउंसल
- (4) वंशपाल, के.प्र.अ., जबलपुर न्यायाधीश सूचना एवं आवश्यक कार्यवाही हेतु


किप रजिस्ट्रार


D.V. Bhatt

Adv. Ramlal

Y.L. Mehta

S.S. B.S. Bhatnagar

Issued
On 19.01.03
BS