

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 127 of 2000
Original Application No. 659 of 2002

Jabalpur, this the 5th day of January, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

1. Original Application No. 127 of 2000 -

1. P.R. Nipane, Suptt. Typing-I
2. C.V. Parate, Supdtt. Typing-I
3. G.N. Kumar, Suptt. Typing-II
4. Smt. S.N. Kumar, Supdtt. Typing-II
5. S.D. Golwalkar, Supdtt. Typing-II
6. M.R. Chandra, Head Typist
7. T.C. Yohanan, Head Typist
8. Smt. Madhu Lata Kaithwas, Head Typist,
9. Smt. R.R. Sharma, Head Typist
10. Smt. Aruna Verma, Head Typist
11. Chaturbhuj, Head Typist
12. N.S. Kochu Krishnan Nair, Head Typist
13. S.K. Sharma, Sr. Typist
14. Smt. Sushma Maliya, Sr. Typist
15. Komal Chand Sen, Sr. Typist
16. Smt. Saroj Mishra, Sr. Typist
17. Smt. Maya Thukur, Sr. Typist
18. Smt. Bharti Soni, Sr. Typist
19. Baldeo Singh, Sr. Typist
20. N.F. Norbert, Sr. Typist
21. Kishore Yadav, Sr. Typist
22. Abraham M.B., Jr. Typist
23. K.N. Santhan, Suptt. II (Typing)
24. Arun Kumar Harilal, Sr. Typist
25. Pramod Kumar Gautam, Jr. Typist

26. K.M. Ramchandra, TS-II

27. Pramod Nafede, Head Typist

28. Jamuna Prasad Raikwar, Sr. Typist. ... Applicants

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its Secretary, Ministry of Railways, Railway Board, Rail Bhawan, New Delhi-110 001.

2. The General Manager, Central Railway, Through Chief Personnel Officer, Central Railway, CST Mumbai - 400 001.

3. The Divisional Railway Manager, Central Railway, Jabalpur - 482 001.

... Respondents

(By Advocate - Shri S.P. Sinha)

2. Original Application No. 659 of 2002 -

1. Mohanlal,
S/o Late Shri Khachchuram,
Date of Birth : 01.09.1954,
Senior Typist,
C/o Dy. Chief Engineer
(Construction),
Central Railway,
Gwalior.

Contd. 3/-

Lgt.

2. HariOm Mishra, S/o. Late Shri Motiram Mishra, Date of Birth 20.10.1953, Senior Typist, C/o. Dy. Chief Engineer (Construction), Central Railway, Gwalior.

(By Advocate - Shri S. Paul)

3. K. B. Ajane,
S/o late Shri B.G.
Ajane, D.O.B. 26.6.49
Senior Typist
C/o Dy. Chief Engineer
(Construction)
Central Applicants
Railway, Gwalior.

21/5/2009

Versus

1. Union of India,
through its Chairman,
Railway Board, New Delhi.

2. The General Manager,
Central Railway, Mumbai CST,
Mumbai.

3. The F.A. & CAO,
Mumbai CST, Central Railway,
Mumbai.

4. The Divisional Railway Manager,
Jhansi Division, Central Railway,
Jhansi.

5. The Sr. Accounts Officer
(Construction), Central Railway,
Jhansi.

... Respondents

(By Advocate - Shri M.N. Banerjee)

Common O R D E R (Oral)

By G. Shanthappa, Judicial Member -

The applicants in OA No. 127 of 2000 have claimed the main following reliefs :

"(i) Summon the entire relevant records from the respondents,

(ii) Hold that the action of the respondent No. 3 in not following the orders of respondent No. 1 dated 17.07.92 Annexure A-1 & 7.4.93 Annexure A-3 is bad in law. Further hold that the applicants are entitled to be treated at par with their counter parts in the Ministerial cadre by providing them the pay-scales and promotional avenues sanctioned to the Ministerial Staff consequent on the acceptance of the recommendations of the 5th C.P.C. as contained in order dated 16.10.97 Annexure A-4 and 10.5.98 Annexure A-6,

(iii) Accordingly, direct the respondent No. 3 to merge the cadre of typist with that of Ministerial cadre as ordered by respondent No. 1 by order dated 17.7.92 Annexure A-1 & dated 7.4.93 Annexure A-3,

(iv) Accordingly, hold that the action of the respondent No. 3 in duing the pay scales of the typist and making recovery was bad in law,



Contd.4/-

(v) Accordingly, quash the order converting five posts of Junior Typists to supernumerary posts and allowed the posts to remain with the cadre as hitherto.

(vi) That the respondents be directed to prove the revised pay-scale of Rs. 5000-8000/- and Rs. 5500-9000/- to the typist from 1.1.96 with arrears and all other consequential benefits."

2. The applicants in OA No. 659 of 2002 have claimed the following main reliefs :

"(i) Summon the entire relevant records from the respondents for its kind perusal.

(ii) Set aside the order dated 19.7.2002 Annexure A-1, order dated 13.8.2002 Annexure A-2 and order dated 3.9.2002 Annexure A-3.

(iii) Command the respondents to continue the pay scale of Rs. 4500-7000 to the applicants w.e.f. 1.1.1996 with all consequential benefits including arrears of wages etc.

(iv) The respondents be directed to pay the interest on delayed payment on the arrears of wages.

(v) Command the respondents that any recovery made in between be refunded to them with interest on delayed payment."

3. Similar reliefs were asked by other applicants before the Allahabad Bench of this Tribunal in OA No. 495/2000 and other connected cases and also before the Calcutta Bench of this Tribunal in OA No. 1016/1998 and other connected cases. The Allahabad Bench of this Tribunal has allowed the OAs on 21.03.2002 and the Calcutta Bench of this Tribunal has allowed the OAs on 02.08.2002, by granting the reliefs and directing the respondents to give the benefit of the pay-scale as are applicable to the S. Clerks, Head Clerks, O.S. Gr. II as contained in the order dated 16.10.1997 to the applicants with effect from 1.1.1996. The arrears are directed to be paid to the applicants within three months from the date of communication of the order. The said order of the Calcutta Bench

has been challenged before the Hon'ble High Court of Calcutta in WPCT No. 1325/2002. The Hon'ble High Court of Calcutta was pleased to dismiss the said writ petition. Against which the respondents had challenged the said order of Calcutta High Court before the Hon'ble Supreme Court. Since the matter is subjudice before the Hon'ble Supreme Court, these benefits will be granted to the applicants by the respondents subject to the outcome of the judgment of the Hon'ble Supreme Court.

4. Accordingly, both the Original Applications are disposed of, without any order as to costs.

5. The Registry is directed to enclose the memo of alongwith certified copy parties of OA No. 127/2000 of this order to the concerned counsel.

G. Shanthappa
(G. Shanthappa)

Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

"SA"

(1) *S. Paul*
(2) *T. N. Banerjee*
(3) *S. P. Sinha, M.A.*
(4) *R. B. Jindal*
R. B. Jindal
14/11/03

*Excellence
Smt. S. P. Sinha*