

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

18.11.2009

OAs 438 & 439/2009

Mr. Shiv Kumar, counsel for applicant.
Mr. R. G. Gupta, counsel for respondents.

Heard learned counsel for the parties. The OAs stand disposed of by a separate common order.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 18th day of November, 2009

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

(1) ORIGINAL APPLICATION No.438/2009

Madan Singh,
Sr.Permanent Way Supervisor at Bharatpur,
under Senior Section Engineer (PW),
Bharatpur,
West Central Railway,
Kota Division.

... Applicant

(By Advocate : Shri Shiv Kumar)

Versus

1. Union of India through
General Manager,
West Central Railway,
Jabalpur (MP).
2. Divisional Railway Manager (Estt),
West Central Railway,
Kota Division,
Kota.

... Respondents

(By Advocate : Shri R.G.Gupta)

(2) ORIGINAL APPLICATION No.439/2009

Farooq,
Sr.Permanent Way Supervisor at Hindon,
under Senior Section Engineer (PW),
Hindon,
West Central Railway,
Kota Division.

... Applicant

(By Advocate : Shri Shiv Kumar)

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Versus

1. Union of India through
General Manager,
West Central Railway,
Jabalpur (MP).
2. Divisional Railway Manager (Estt),
West Central Railway,
Kota Division,
Kota.

... Respondents

(By Advocate : Shri R.G.Gupta)

ORDER (ORAL)

As common question of law and facts is involved in both these cases, the same are being disposed of by this common order.

2. Learned counsel for the parties agree that the matter is squarely covered by the common judgement rendered by this Tribunal in OA 365/2009 [Birdhi Lal v. Union of India & Anr.] and other connected matters viz. OAs 366, 367 & 372/2009 on 6.11.2009. In para-5 of the said order this Tribunal made the following observations:

"5. We have given due consideration to the submission made by the learned counsel for the applicant. In case the applicants have exercised their option in terms of Railway Services (Pay Rule) 2008 as issued vide Railway Board's RBE No.103/2008 dated 4.9.2008 (Ann.R/3), in that eventuality, the competent authority is bound to consider the case of the applicants in terms of those rules. Accordingly, the competent authority is directed to consider the case of the applicants in the light of the option exercised by them and take appropriate decision within a period of two months from the date of receipt of a copy of this order."

3. In view of what has been stated above, the present OAs are disposed of in the light of the direction as reproduced above and the respondents are directed to take appropriate

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decision in the light of the option exercised by the applicants within a period of two months from the date of receipt of a copy of this order.

4. With these observations, the OAs stand disposed of. No order as to costs.

(B.L. KHATRI)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

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