

OA 602/2013, OA 630/2013 with MA No. 440/2013,
 OA 638/2013 with MA 446/2013, OA 642/2013 with
 MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
 OA No. 656/2013 with MA 443/2013, OA 657/2013 with
 MA 444/2013, OA 658/2013 with MA 445/2013 and
 OA 731/2013 with MA 449/2013

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
 JAIPUR BENCH, JAIPUR.

ORDER RESERVED ON 11.02.2015

DATE OF ORDER : 17.3.2015

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER
HON'BLE SMT. CHAMELI MAJUMDAR, JUDICIAL MEMBER

1. ORIGINAL APPLICATION NO. 602/2013

1. Papendra Kumar Sharma son of Shri Roshan Lal Sharma, aged about 41 years, resident of Railway Quarter No. 616, L/B, 40 Qtr. Railway Colony, Gangapur City, Sawai Madhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
2. Lokendra Singh son of Shri Ranveer Singh, aged about 43 years, resident of Railway Quarter No. 617/L/A, 40 Qtr. Railway Colony, Gangapur City, Sawai Madhopur, Rajasthan, Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
3. Laxmi Narayan Meena son of Shri Kashi Ram Meena, aged about 42 years, resident of Bungalow No. 109/L, Bungalow Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
4. Ramesh Babu K. son of Shri Kali Charan, aged about 44 years, resident of Railway Quarters No. 443/L/B, Loco Colony, Near Nasiyan Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
5. Manoj Verma son of Shri Hari Prasad Verma, aged about 41 years, resident of Railway Quarter No. 660 M/A Near ICICI Bank, Gangapur City, Sawai Madhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
6. Mool Chand M. son of Shri Meghraj Singh, aged about 46 years, Rajasthan, Bungalow NO. 105/L, Railway Bungalow Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
7. Gajadhar Prasad D. son of Shri Dirpal Singh, aged about 40 years, resident of Bungalow NO. 128/L, Railway Bungalow Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.

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8. Siya Ram M. son of Shri Mahaveer aged about 44 years, resident of Railway Quarter No. 441 L/A, Loco Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
9. Virendra Singh Rana son of Shri Singh Ram Rana, aged about 45 years, resident of Bungalow No. 119, Bungalow Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
10. Lav Kush Kumar son of Shri Bhai Lal, aged about 43 years, resident of Railway Quarter NO. 503, L/A, Loco Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
11. Naresh Kumar Sharma son of Shri Kedar Nath Sharma aged about 44 years, resident of C/o Vishnu Bhandari, Sanjay Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
12. Khushi Ram Sharma son of Shri Permanand Sharma, aged about 44 years, resident of Bungalow No. 110/L, Railway Bungalow Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
13. Bhagwan Singh H. son of Shri Hari aged about 51 years, resident of Ward No. 6, Mirjapur, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
14. Malkhana Singh son of Shri Hori Lal, aged about 40 years, resident of Shri Amar Singh, House No. 158 (B), Meena Pada, Nasiyan Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
15. Ashok Kumar Sharma son of Shri Prabhu Dayal Sharma, aged about 41 years, resident of Railway Quarter No. 607 L/A, 40 Quarter Railway Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.

... Applicants

(By Advocate: Ms. Kavita Bhati)

Versus

1. Union of India through the General Manager, Western Central Railway, Jabalpur.
2. The Secretary (Estt.), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.

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3. The Deputy Director, Pay Commission-V, Ministry of Railway, Government of India, Railway Board, New Delhi.
4. The Senior Divisional Personnel Officer, Western Central Railway, DRM Office, Kota.

... Respondents

(By Advocate: Mr. P.K. Sharma)

2. **ORIGINAL APPLICATION NO. 630/2013**
WITH
MISC. APPLICATION NO. 440/2013

1. Anandpal Singh Choudhary son of Shri Udai Singh Chaudhary, aged about 43 years, resident of MIG-585, Radhika Vihar, Mathura (UP). Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
2. Rama Shankar M. son of Shri Mummer Ram, aged about 43 years, resident of Railway Quarter No. 504 L/B, Loco Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
3. Tejmal Mali son of Shri Moolchand Mali, aged about 44 years, resident of 8/L/O, Loco Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
4. Phool Singh Meena son of Late Shri Shyonarayan Meena, aged about 45 years, resident of Bungalow No. 117/L, Near Senior Railway Institute, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
5. Kishan Singh Meena son of Shri Ghisa Ram Meena, aged about 45 years, resident of Bungalow No. 454/L, 40 Quarter Railway Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
6. Ram Khiladi Meena son of Late Shri Ratan Lal Meena, aged about 44 years, resident of 548 4/B, Railway Loco Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
7. Shesh Narayan Saini son of Shri Girdhari Lal, aged about 53 years, resident of Quarter No. 16/L/J, Railway Loco Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
8. Surya Pratap Yadav son of Shri Chandrabhan Yadav, aged about 41 years, resident of Bungalow No. 133/L, Railway Bungalow Colony, Near Senior Institute,

A. A. S. S.

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Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.

9. Kamal Mittal son of Shri Hari Krishan Mittal aged about 51 years, resident of Behind Bhagwati College, Mahaveer Nagar, Nasiyan Colony, Ward No. 14, Gangapur City, Sawaimadhopur. Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.

....Applicants

(By Advocate: Ms. Kavita Bhati)

Versus

1. Union of India through the General Manager, Western Central Railway, Jabalpur.
2. The Secretary (Estt.), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.
3. The Deputy Director, Pay Commission-V, Ministry of Railway, Government of India, Railway Board, New Delhi.
4. The Senior Divisional Personnel Officer, Western Central Railway, DRM Office, Kota.

... Respondents

(By Advocate: Mr. P.K. Sharma)

3. **ORIGINAL APPLICATION NO. 638/2013**
WITH
MISC. APPLICATION NO. 446/2013

1. Ravi Shankar Upadhyay son of Shri Virendra Upadhyay, aged about 41 years, resident of Railway Quarter No. 611, L/A, 40 Qtr. Railway Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
2. Ghanshyam Gupta son of Shri Hajarilal Gupta, aged about 45 years, resident of Narsingh Colony, Near Goods Godown, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
3. Jitendra Kumar Sharma son of Shri Laxmichand Sharma, aged about 43 years, resident of Bungalow No. 102/L, Bungalow Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.

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4. Mukesh Kumar Sharma son of Shri Harish Kumar Sharma, aged about 39 years, resident of Bungalow No. 134, Bungalow Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
5. Bhudev Singh son of Shri Horem Singh, aged about 39 years, resident of Railway Quarter No. 624/EL/A, 40 Quarter Railway Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
6. Himmat Singh son of Late Shri Daulat Singh, aged about 43 years, resident of Ward No. 15, Near Shashtri Park, Nasiyan Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
7. Sunil Kumar Tehriya son of Late Shri Rohit Kumar Tehriya, aged about 45 years, resident of C/o Khema Shankar Sharma, Near B Cabin, Mathu Kala, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.

....Applicants

(By Advocate: Ms. Kavita Bhati)

Versus

1. Union of India through the General Manager, Western Central Railway, Jabalpur.
2. The Secretary (Estt.), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.
3. The Deputy Director, Pay Commission-V, Ministry of Railway, Government of India, Railway Board, New Delhi.
4. The Senior Divisional Personnel Officer, Western Central Railway, DRM Office, Kota.

... Respondents

(By Advocate: Mr. P.K. Sharma)

4. **ORIGINAL APPLICATION NO. 642/2013**
WITH
MISC. APPLICATION NO. 450/2013

1. Shashi Pal Singh son of Late Shri Saudan Singh, aged about 46 years, resident of House No. 1 D, Street No. 5, Aadarsh Colony, Mala Road, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.

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2. Ghamandi Lal B. son of Shri Baijnath, aged about 49 years, resident of House No. 1128, A, Street No. 4, Chopra Farm, Dadwada, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
3. Manoj Jain son of Late Shri Munnalal Jain, aged about 43 years, resident of Rangpur, Road No. 3, Behind Tare School, Dadwada, Bhimganj Mandi, Kota. Presently working as Loco Pilot at Kota Division, WCR.
4. Jai Bhagwan Garg son of Shri Ramesh Chand Garg, aged about 40 years, resident of Flat No. 106, 'B' Block, Mangal Bhawan, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
5. Pushpendra Singh son of Shri Yadram Singh, aged about 41 years, resident of Flat No. J-3, First Floor, Shatakshi Tower, Arya Samaj Road, Bhimganj Mandi, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
6. Shesh Ram Verma son of Late Shri Hachhu Ram, aged about 44 years, resident of Vikas Colony, Street No. 3, Machis Factory, Dadwada, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
7. Hradesh Kumar Chouhan son of Shri Nanhu Singh, aged about 44 years, resident of Vikas Colony, Street No. 3, Machis Factory, Dadwada, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
8. Madhusudan Kumar Tiwari son of Shri Haripujan Singh, aged about 43 years, resident of House No. 09, Pashrwanath Nagar, Behind Holi Family Hospital, Vorkheda, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
9. Dinesh Chandra Biswas son of Shri Bhagirath Biswas, aged about 43 years, resident of House No. 462, Dadwada, Rajendra Hotel Street, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
10. Jagdish Prasad R. son of Shri Ramkishan, aged about 45 years, resident of C-1, Atwal Nagar, Link Road, Police Line, Bajrang Nagar, Kota, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
11. N.L. Pratihari son of Shri Chote Lal Pratihari aged about 45 years, resident of House NO. 67, Aadarsh Colony, Khedli Phatak, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
12. Rajesh Kumar Sharma son of Shri Premraj Sharma, aged about 46 years, resident of 34-A, Street No. 4, Aadarsh Colony, Mala Road, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
13. Ram Singh Meena son of Shri Ram Kishan Meena, aged about 45 years, resident of 46 Street No. 9,

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Saraswati Colony, Roteda Road, Kota Junction,
 Rajasthan. Presently working as Loco Pilot at Kota
 Division, WCR.

....Applicants

(By Advocate: Ms. Kavita Bhati)

Versus

1. Union of India through the General Manager, Western Central Railway, Jabalpur.
2. The Secretary (Estt.), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.
3. The Deputy Director, Pay Commission-V, Ministry of Railway, Government of India, Railway Board, New Delhi.
4. The Senior Divisional Personnel Officer, Western Central Railway, DRM Office, Kota.

... Respondents

(By Advocate: Mr. P.K. Sharma)

5. **ORIGINAL APPLICATION NO. 655/2013**
WITH
MISC. APPLICATION NO. 442/2013

1. Mahesh Kumar son of Shri Gehi Mal, aged about 44 years, resident of Street No. 4 ½ Chopra Farm, Dadwada, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
2. Sanjay Agrawal son of Shri Santosh Kumar, aged about 46 years, resident of Plot No. 52, Street NO. 11, Poonam Colony, Chopra Farm, Dadwada, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
3. Mukesh Kumar son of Late Shri Kehre Sigh, aged about 50 years, resident of C/o Shri Jagan Lal Sharma, V/P Mahukalan, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.

....Applicants

(By Advocate: Ms. Kavita Bhati)

Versus

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 OA 731/2013 with MA 449/2013

1. Union of India through the General Manager, Western Central Railway, Jabalpur.
2. The Secretary (Estt.), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.
3. The Deputy Director, Pay Commission-V, Ministry of Railway, Government of India, Railway Board, New Delhi.
4. The Senior Divisional Personnel Officer, Western Central Railway, DRM Office, Kota.

... Respondents

(By Advocate: Mr. P.K. Sharma)

6. **ORIGINAL APPLICATION NO. 656/2013**
WITH
MISC. APPLICATION NO. 443/2013

1. Snehashish Ghosh son of Late Shri Kedarnath Ghosh, aged about 42 years, resident of House NO. 990, Street No. 1, Aadarsh Colony, Chopra Farm, Dadwada, Kota Junction. Presently working as Loco Pilot (Passenger) at Kota Division, WCR.
2. Pradeep Kumar H. son of Shri Hari Singh, aged about 41 years, resident of House No. 132, Janakpuri, Mala Road, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
3. Pawan Kumar Mittal son of Shri Shyam Manohar Mittal, aged about 42 years, resident of House No. 45, Street No. 2, In front of Pragati School, Bajrang Nagar, Kota, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
4. Narendra Kumar Sharma son of Shri Brijmohan Lal Sharma, aged about 46 years, resident of Village Mahukhurd, Post Mahukalan, Tehsil Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
5. Mukesh Kumar Sharma son of Shri Jagdish Prasad Sharma aged about 45 years, resident of House No. 289, Jawahar Nagar, Mahukalan, Gangapur City, Sawaimadhopur Rajasthan. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.
6. Girwar Singh son of Shri Jagdish Prasad, aged about 50 years, resident of Ward No. 1, Rajput Colony, Near Dena Bank, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot (Passenger) at Gangapur City, Kota Division, WCR.
7. Suneet Kumar son of Shri Nathi Lal, aged about 43 years, resident of Railway Quarter No. 8 L/C, Loco Colony, Gangapur City, Sawaimadhopur, Rajasthan. Presently working as Loco Pilot (Passenger) at Gangapur City, Kota Division, WCR.

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 OA No. 656/2013 with MA 443/2013, OA 657/2013 with
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 OA 731/2013 with MA 449/2013

8. Shri Gopal Sharma son of Shri Mangal Sen Sharma, aged about 47 years, resident of Railway Quarter-549/L/B, Near Junior Institute Loco Colony, Gangapur City. Presently working as Loco Pilot (Passenger) at Gangapur City, Kota Division, WCR.
9. Girraj Kishore Upadhyay son of Shri Ram Khiladi Sharma, aged about 42 years, resident of House No. 188, Ganpati Nagar, Songariya Road, Kota. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.

....Applicants

(By Advocate: Ms. Kavita Bhati)

Versus

1. Union of India through the General Manager, Western Central Railway, Jabalpur.
2. The Secretary (Estt.), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.
3. The Deputy Director, Pay Commission-V, Ministry of Railway, Government of India, Railway Board, New Delhi.
4. The Senior Divisional Personnel Officer, Western Central Railway, DRM Office, Kota.

... Respondents

(By Advocate: Mr. P.K. Sharma)

7. **ORIGINAL APPLICATION NO. 657/2013**
WITH
MISC. APPLICATION NO. 444/2013

1. Gulam Ahmed Ansari son of Late Shri Abdul Sakar, aged about 43 years, resident of Flat No. 303, Surya Residency, Rangpur Road No. 3, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
2. Manoj Kumar Gorani son of Shri Lokumal Gorani, aged about 38 years, resident House No. D-14, Gyan Sarovar Colony, Bundi Road, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
3. Navneet Agrawal son of Shri Mohan Kishan Agrawal, aged about 38 years, resident Kripa Sadan, Street of Rajendra Hotel, Near Mataji Mandir Dadwada, Kota. Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.

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4. Gangadhar Saini son of Shri Bhataram Saini, aged about 44 years, resident of Anand Vihar, Street No. 1, Dadawada Kota Junction Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
5. Anil Singodiya son of Late Shri Ghisu Lal Singodiya, aged about 39 years, resident House NO. 1332, Street No. 5, Chpra Farm, Block No. 12, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
6. Ramdas D. son of Shri Dharmu, aged about 43 years, resident House NO. 328, Street No. 8, Saraswati Colony, Roteda Road, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.

....Applicants

(By Advocate: Ms. Kavita Bhati)

Versus

1. Union of India through the General Manager, Western Central Railway, Jabalpur.
2. The Secretary (Estt.), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.
3. The Deputy Director, Pay Commission-V, Ministry of Railway, Government of India, Railway Board, New Delhi.
4. The Senior Divisional Personnel Officer, Western Central Railway, DRM Office, Kota.

... Respondents

(By Advocate: Mr. P.K. Sharma)

8. **ORIGINAL APPLICATION NO. 658/2013**
WITH
MISC. APPLICATION NO. 445/2013

1. Feteah Singh son of Late Shri Munshi Ram, aged about 43 years, resident of House No. 50/B/B, Near Sardar Patel School Jaihind Nagar I, Wara Road, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
2. Kailash Chandra Meena son of Shri Hari Ram Meena, aged about 41 years, resident of House No. 1020, Street No. 3, Aadarsh Colony, Chopra Farm, Dadwada, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
3. Prabu Dayal Tripathi son of Shri Kailash Chand Tripathi, aged about 42 years, resident of 39-A, Janakpuri, Mala Road, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.

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4. Manphool Raag son of Shri Jetha Ram, aged about 43 years, resident of Street No. 4, 1/2 Chopra Farm, Kota Junction, Presently working as Loco Pilot at Kota Division, WCR.
5. Chail Bihari Sharma son of Shri Satya Prakash Sharma, aged about 44 years, resident of 25-C, Indira Colony, Mala Road, Kota Junction, Presently working as Loco Pilot at Kota Division, WCR.
6. Anurag Saran Shrivastava son of Shri Anand Prakash Shrivastava, aged about 44 years, resident of Kusum Vila, Mala Road, First Floor, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
7. Vasudev Singh son of Shri Chgandra Pal Singh, aged about 43 years, resident of C/o Indra Kumar House No. 26, Madhu Nagar, Near T.A. Camp, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
8. Baijnath Uniyal son of Shri Satya Prakash Uniyal, aged about 40 years, resident of C/o Ishwar Das Ferwani, House No. 280, Block No. 9, Rangpur Road No. 6, Dadwada, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
9. Arjun Singh son of Shri Ganesh Ram, aged about 41 years, resident of Machis Factory, Vinayak Lane, Dadwada, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
10. Mahendra Pratap Singh son of Shri Harinarayan, aged about 45 years, resident of House No. 95, Street No. 4, Chopra Farm, Kota Junction. Presently working as Loco Pilot at Kota Division, WCR.
11. Rajendra Tripathi son of Late Shri Haridutt Tripathi, aged about 41 years, resident of K-2, Satakshi Tanwar, Arya Samaj Road, Bhimganj Mandi Thana, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
12. Sanjeev Dwivedi son of Shri Anand Swaroop Dube, aged about 43 years, resident of Ravi Vihar, Mala Road, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
13. Meer Hasan Ansari son of Shri Majnu Mian, aged about 42 years, resident of Pratap Colony, Street No. 3, Rangpur Road, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
14. Sushil Kumar Maurya son of Shri Pyare Lal Maurya aged about 41 years, resident of House No. 100, Riddhi Siddhi Nagar, Rangpur Road, Kota Junction, Rajasthan. Presently working as Loco Pilot at Kota Division, WCR.
15. Ganpat Lal Pareek son of Shri Banshi Lal Pareek, aged about 45 years, resident of House No. 999, Pareek Sadan, Street No. 4, Aadarsh Colony, Chopra

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 MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
 OA No. 656/2013 with MA 443/2013, OA 657/2013 with
 MA 444/2013, OA 658/2013 with MA 445/2013 and
 OA 731/2013 with MA 449/2013

Farm, Dadwada, Kota Junction. Presently working as
 Loco Pilot at Kota Division, WCR.

....Applicants

(By Advocate: Ms. Kavita Bhati)

Versus

1. Union of India through the General Manager, Western Central Railway, Jabalpur.
2. The Secretary (Estt.), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.
3. The Deputy Director, Pay Commission-V, Ministry of Railway, Government of India, Railway Board, New Delhi.
4. The Senior Divisional Personnel Officer, Western Central Railway, DRM Office, Kota.

... Respondents

(By Advocate: Mr. P.K. Sharma)

9. **ORIGINAL APPLICATION NO. 731/2013**
WITH
MISC. APPLICATION NO. 449/2013

Yogesh Kumar Tiwari son of Shri Brijkishore Tiwari, aged about 48 years, resident of A-19, Aadarsh Colony, J.N. Marshal Mala Road, Kota Junction. Presently working as Loco Pilot at Gangapur City, Kota Division, WCR.

....Applicant

(By Advocate: Ms. Kavita Bhati)

Versus

1. Union of India through the General Manager, Western Central Railway, Jabalpur.
2. The Secretary (Estt.), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.
3. The Deputy Director, Pay Commission-V, Ministry of Railway, Government of India, Railway Board, New Delhi.
4. The Senior Divisional Personnel Officer, Western Central Railway, DRM Office, Kota.

... Respondents

(By Advocate: Mr. P.K. Sharma)

OA 602/2013, OA 630/2013 with MA No. 440/2013,
OA 638/2013 with MA 446/2013, OA 642/2013 with
MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
OA No. 656/2013 with MA 443/2013, OA 657/2013 with
MA 444/2013, OA 658/2013 with MA 445/2013 and
OA 731/2013 with MA 449/2013

ORDER

PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Since the facts and the law point are similar in all the aforesaid OAs, therefore, with the consent of the parties, they are being decided by a common order. For the sake of convenience, the facts of OA No. 602/2013 (Papendra Kumar Sharma & Others vs. Union of India & Others) are being taken as a lead case.

2. The learned counsel for the parties agreed that the controversy involved in the present OA is covered by the order of this Tribunal in OA No. 468/2011 (Harbans Lal Verma vs. Union of India & Others) and other connected matters decided on 16.07.2014.

3. The brief facts of the OA are that the applicants were appointed as Assistant Driver in the Loco Running Department and after appearing in the selection process, the applicants were then selected and promoted to the post of Goods Driver. After implementation of the Sixth Central Pay Commission, the applicants drawing pay in the PB-2 Rs.9300-34800 with a Grade Pay of Rs.4200/- w.e.f. 01.01.2006. The applicants were drawing the grade pay of Rs.4200/- in PB-2 consequent to their pay revision w.e.f. 01.01.2006 and were entitled for their next financial upgradation on satisfaction of the criteria laid down under the Scheme and were granted the next higher

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 MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
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grade pay of Rs.4600/- in PB-2 vide order dated 31.01.2012
 (Annexure A/6).

4. The respondent no. 4 has issued the impugned order dated 26.07.2013 and have stated the financial upgradation of the applicants to be the third and the last financial upgradation on the basis of the impugned letter dated 28.06.2012 (Annexure A/3) which stated that the promotion earned by the applicants from ALP-II to LPG directly was a one time exemption due to shortage of the Goods Guard neither fall in the line of AVC nor in the recruitment rule of Loco Pilot Category. This special dispensation was granted due to non-availability of the Shunters and as such, as a result of such dispensation the concerned employee has progressed to two next higher grades as per the cadre hierarchy, hence in such situation the employee should be treated as having earned two promotions. Thus the respondents have converted the first financial upgradation of the applicants into the second financial upgradation and the second financial upgradation of the applicants into the third financial upgradation, thus has limited the scope of further financial upgradation of the applicants in a totally biased and unjust approach.

5. That all of a sudden without any basis in a most arbitrary manner, the respondent no. 3 issued an order dated 13.12.2012 (Annexure A/2) and directed all the Railway

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 MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
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Divisions to review the cases where such financial upgradation under the MACPS has been granted.

6. Thereafter in pursuance of the above clarification an impugned order dated 26.07.2013 (Annexure A/1) was issued thereby withdrawing the second financial upgradation under the MACPS in the grade pay of Rs.4600/- and refixing the pay of the applicants in the Grade Pay of Rs.4200/-.

7. Being aggrieved by the office order dated 26.07.2013 (Annexure A/1), the applicants have filed the present OA praying for the following reliefs:-

- "(i) By an appropriate order or direction relevant records pertaining to grant of the second/third financial upgradation under the MACPS in various other divisions pertaining to Guard and Drivers.
- (ii) By an appropriate order or direction the impugned order dated 26.07.2013 issued by the respondent no. 5 may kindly be quashed and set aside with all the consequential benefits to the applicants.
- (iii) By an appropriate order or direction the impugned order dated 28.06.2012 and the order dated 13.12.2012 may also be quashed and set aside.
- (iv) By an appropriate order or direction the respondents may be directed not to take any further action for recovery etc. in pursuance of the order dated 26.07.2013.
- (v) By an appropriate order or direction, necessary directions may be given to the respondents to re-fix the pay of the applicants in PB-2 Rs.9300-34800 plus Grade Pay of Rs.4600/- with all consequential benefits as per law.
- (vi) Cost of the application may also kindly be awarded to the poor applicants and

Any other order or direction which this Hon'ble Tribunal deems fit and proper may also kindly be passed in favour of the applicants in the larger interest of the equity justice and law.

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MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
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MA 444/2013, OA 658/2013 with MA 445/2013 and
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8. On the other hand, the respondents have filed their reply. In their reply, the respondents have stated that based on the recommendations of the V CPC, government decided to introduce Assured Career Progression Scheme (ACP Scheme) which has been devised as a 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenue. Subsequently based on the recommendations of Sixth Central Pay Commission, ACP Scheme has been modified, named as Modified Assured Career Progression Scheme (MACP Scheme) and implemented with effect from 01.09.2008. Evidently, the instructions relating to regulations of MACP Scheme has to be interpreted in consonance with policy perspective and scope of the scheme and any order or implementation beyond policy perspective and scope would be neither reasoned one nor judicious.

9. The grant of financial upgradation under MACP Scheme is regulated as per the terms and conditions contained in Board's policy Instructions dated 10.06.2009. Board's said letter comprises a set off inter-related instructions has to be read and interpreted in totality while implementing the scheme. That an isolated interpretation of any instruction contain in Board's letter dated 10.06.2009 which conflicts or nullify the

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MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
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other instruction(s) is not judicious and, therefore, legally not tenable.

10. In terms of Para 8 of the Board's policy instructions on MACP Scheme dated 10.06.2009, promotions earned in the post carrying same grade pay in the promotional hierarchy as per recruitment rules shall be counted for the purpose of MACP Scheme. It is for the reason that the case of employees earning promotions as per their cadre hierarchy, though the promotional post is in the same grade pay is not the case of stagnation but the case of promotion in same grade pay and, therefore, not entitled for financial upgradation under the Scheme. The instructions regarding grant of financial upgradation under the Scheme in respect of the employees in feeder grade of a cadre/category where promotional post also happens to be in same grade pay, been issued vide Board's letter dated 13.12.2012 which stipulates that financial upgradation under ACP/MACP Scheme cannot to be a higher grade pay than what can be allowed to an employee on his normal promotion. In such cases financial upgradation under MACP Scheme would be granted in same grade pay. Reasoning of this instruction lies in the fact that the ACP/MACP Scheme has been introduced as device to mitigate the stagnation and hardship faced by the employees due to lack of adequate promotional avenue and therefore, logically the benefit allowed

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 MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
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under the ACP/MACP Scheme cannot be more than what would
 accrued to employee normal promotion.

11. The financial upgradation under ACP/MACP Scheme
 cannot be to a higher grade pay than what can be allowed to
 an employee on his normal promotion and that in such cases,
 the financial upgradation under MACP would be granted to the
 same grade pay. To this effect, necessary clarification has been
 issued vide Board's letter dated 13.12.2012 (Annexure A/2).

12. The respondents have stated that the applicants in the
 present OA belong to Loco Pilot Category. Their cadre
 hierarchy and the pay structure is quoted below:-

DESIGNATION	GRADE PAY AND PAY BAND
LOCO PILOT (MAIL)	Gp 4200, PB 9300-34800 PLUS Rs.1000 Addl. ALLOWANCE
LOCO PILOT (PASSENGER) i.e. LPP	GP 4200, PB 9330-34800 PLUS RS. Addl. ALLOWANCE
LOCO PILOT (GOODS) i.e. LPG	GP 4200, PB 9300-34800
LOCO PILOT (SHUNTING) GI i.e. LPS -I	GP 4200, PB 9300-34800
LOCO PILOT (SHUNTING) G.II i.e. LPS	GP 2400, PB 5200-20200
SR. ASSTT. LOCO PILOT (DIESEL/ ELEC.) i.e. Sr. ALP	GP 2400, PB 5200-20200
ASSTT. LOCO PILOT (DIESEL/ELEC.) I.E. ALP	Gp 1900, PB 5200-20200

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OA 638/2013 with MA 446/2013, OA 642/2013 with
MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
OA No. 656/2013 with MA 443/2013, OA 657/2013 with
MA 444/2013, OA 658/2013 with MA 445/2013 and
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13. The applicants while working as Assistant Loco Pilot in the grade pay of Rs.1900 were straight way promoted to Loco Pilot Goods post that is two successive higher grade post as a subject dispensation relaxing the condition due to non availability of Loco Pilot Goods. Thus, the applicants got accelerated promotion benefit and promoted to two stages higher post of their cadre hierarchy. The Railway Administration erred in treating promotion of the applicant from ALP to LPG post as one promotion ignoring the fact that the applicants got elevated to two stages higher post and allowed them second financial upgradation under MACP. Subsequently, in consultation with the Railway Board's office, it was clarified that since such employees have progressed to two stage higher grade as per cadre hierarchy/AVC, it has to be reckoned as two promotions. In view of this clarification from Railway Board's office the grant of Grade Pay of Rs.4600/- as second financial up gradation was modified and treated as third financial upgradation under MACP Scheme.

14. The respondents have further submitted in their reply that promotions earned in the post carrying same grade pay in the promotional hierarchy as per recruitment rules shall be counted for the purpose of MACP Scheme as the applicants' promotional post was also in the same grade pay of Rs.4200/-, grant of grade pay of Rs.4600/- to the applicants has erred financial upgradation was found erroneous and, therefore, it

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MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
OA No. 656/2013 with MA 443/2013, OA 657/2013 with
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OA 731/2013 with MA 449/2013

had to be rectified. Therefore, any challenge by the applicants to this rectification has no force and the action of the respondents is according to the provisions of law/rules.

15. Further, applicants claim for grant of higher grade pay, higher than the Grade pay of the promotional post will introduce a serious anomaly to the extent that the employees who has earned promotion to the next higher post in same grade pay and shouldering responsibility of that higher post would remain same grade pay as they had earned promotion which has to be reckoned for the purpose of MACPS as per Para 8 of the Annexure to policy instruction dated 10.06.2009 where as those employees who could not get promoted to higher post and are shouldering responsibility of lower post would be drawing higher grade pay. Definitely this is not the objective of MACP Scheme and, therefore, is not maintainable. Thus, the applicants have filed the present OA without proper appreciation of the policy objective and scope of MACP Scheme and therefore, it is bereft of merit.

16. The applicants have filed the rejoinder.

17. The respondents have filed reply to the rejoinder.

18. Heard the learned counsel for the parties and perused the documents on record.

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 OA 638/2013 with MA 446/2013, OA 642/2013 with
 MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
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 MA 444/2013, OA 658/2013 with MA 445/2013 and
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19. The learned counsel for the applicant argued that the controversy involved in the present OA is covered by the order of this Tribunal in OA No. 468/2011 (Harbans Lal Verma vs. Union of India & Others) and other connected matters decided on 11.07.2014. Therefore, this OA may be decided in terms of the order passed in OA NO. 468/2011 (Harbans Lal Verma vs. Union of India & Others) and other connected matters decided on 11.07.2014. The learned counsel for the respondents also agreed with the submissions of the learned counsel for the applicant that the controversy involved in these OAs is squarely covered by the order of this Tribunal in OA No. 468/2011 (Harbans Lal Verma vs. Union of India & Others) and other connected matters decided on 11.07.2014.

20. While deciding the OA No. 468/2011 (Harbans Lal Verma vs. Union of India & Others) and other connected matters decided on 11.07.2014, this Tribunal considered the decision of the Central Administrative Tribunal Earnakulam Bench, Earnakulam in OA No. 484/2011 decided on 22.02.2012 (**All India Loco Running Staff Association & Others vs. Union of India & Others and other connected matters**). It also considered the order passed by the Central Administrative Tribunal, Allahabad Bench, Allahabad in OA No. 1241/2011 (**Sachchidananda Ram & Others vs. Union of India & Others**). The Tribunal also considered the judgment of the

OA 602/2013, OA 630/2013 with MA No. 440/2013,
 OA 638/2013 with MA 446/2013, OA 642/2013 with
 MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
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Hon'ble High Court of Allahabad in Writ Petition No. 18244/2013 decided on 19.07.2013 (**Union of India through G.M. E.C.R. & Others vs. CAT & Others**), which upheld the order of the Central Administrative Tribunal, Allahabad Bench, Allahabad passed in OA No. 1241/2011 (**Sachchidananda Ram & Others vs. Union of India & Others**). It also considered the Full Bench order of the Central Administrative Tribunal, Jodhpur Bench, Jodhpur in OA No. 58/2006 decided on 22.05.2014 (**Naresh Pal Singh vs. Union of India & Others and other connected matters**) wherein it was held that the post of Passenger Guard is not a promotional post for the post of Senior Goods Guard since both posts are in the same pay scale. After considering all these orders and judgments, the Tribunal in Para No. 20 & 21 of OA No. 468/2011 decided on 11.07.2014 (**Sachchidananda Ram & Others vs. Union of India & Others**) has held as under:-

"20. Therefore, in view of the discussions made hereinabove, the respondents are directed to decide the case of all the applicants before us in the light of the judgment of the Hon'ble High Court of Allahabad dated 19.07.2013 passed in WP No. 18244/2013 - Union of India through G.M., ECR and Ors. vs. C.A.T. and Ors. (supra) and pass a fresh reasoned and speaking order expeditiously but in any case not later than a period of three months from the date of receipt of a copy of this order. However, it is made clear that this exercise shall be subject to the final outcome of the SLP filed by the UOI against the order dated 19.07.2013 passed by the Hon'ble High Court of Allahabad in WP No. 18244/2013.

21. The interim relief granted in favour of the applicants in OA Nos. 468/2011, 444/2013 & 445/2013 shall continue against the recovery from the applicants till the respondents decide their case about the grant of

OA 602/2013, OA 630/2013 with MA No. 440/2013,
 OA 638/2013 with MA 446/2013, OA 642/2013 with
 MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
 OA No. 656/2013 with MA 443/2013, OA 657/2013 with
 MA 444/2013, OA 658/2013 with MA 445/2013 and
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MACP afresh as per the directions given in Para 20 of this order."

21. In view of the fact that the similar controversy has already been decided by this Tribunal vide order dated 11.07.2014 in OA NO. 468/2011 (Harbans Lal Verma vs. Union of India & Others) and other connected matters, as stated above, the following directions are issued to the respondents in the present OAs:-

Therefore, in view of the discussions made hereinabove, the respondents are directed to decide the case of all the applicants before us in the light of the judgment of the Hon'ble High Court of Allahabad dated 19.07.2013 passed in WP No. 18244/2013 – Union of India through G.M., ECR and Ors. vs. C.A.T. and Ors. (supra) and pass a fresh reasoned and speaking order expeditiously but in any case not later than a period of three months from the date of receipt of a copy of this order.

However, it is made clear that this exercise shall be subject to the final outcome of the SLP filed by the UOI against the order dated 19.07.2013 passed by the Hon'ble High Court of Allahabad in WP No. 18244/2013.

22. While deciding the case of the applicants in the present OA, the respondents shall also decide that promotion given to the applicants from the post of Assistant Loco Pilot to the post of Loco Pilot Good would be counted as one promotion or would be counted as two promotions because the applicants never worked either in the post of Loco Pilot Shunting Grade II or Loco Pilot Shunting-I nor they have ever promoted on these posts even for a day. The learned counsel for the applicant had argued that the applicants were promoted to the post of Loco

OA 602/2013, OA 630/2013 with MA No. 440/2013,
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 MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
 OA No. 656/2013 with MA 443/2013, OA 657/2013 with
 MA 444/2013, OA 658/2013 with MA 445/2013 and
 OA 731/2013 with MA 449/2013

Pilot Goods because of one time exemption given due to shortage of Goods Guard and after appearing in the selection process, the applicants were selected and promoted to the post of Goods Driver, therefore, it cannot be said that the applicants earned two promotions.

23. In view of the above observations and directions, we have not gone into the merit/controversy with regard to the implementation of the Circular dated 13.12.2012 (Annexure A/2) which provide that 'the financial upgradations under ACP/MACP Scheme cannot be to higher Grade Pay than what can be allowed to an employee on his normal promotion'. The respondents may examine whether the circular dated 13.12.2012 is applicable in the case of applicants. If the respondents come to the conclusion that the Grade Pay of the applicants can be revised on the basis of the circular dated 13.12.2012 then whether any recovery can be made from applicant in view of the judgment of the Hon'ble Supreme Court in the case of **State of Punjab and Others vs. Rafiq Masih (White Washer) etc.** [Civil Appeal No. 11527 of 2014 arising out of SLP (C) No. 11684 of 2012] and other connected SLPs decided on 18.12.2014.

24. The respondents are directed to pass a fresh reasoned and speaking order within three months from the date of

OA 602/2013, OA 630/2013 with MA No. 440/2013,
OA 638/2013 with MA 446/2013, OA 642/2013 with
MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
OA No. 656/2013 with MA 443/2013, OA 657/2013 with
MA 444/2013, OA 658/2013 with MA 445/2013 and
OA 731/2013 with MA 449/2013

receipt of a copy of this order with regard to the directions given in Para nos. 22 & 23 of this order.

25. The interim relief granted in favour of the applicants in all the OAs shall continue against the recovery from the applicants till the respondents decide their case about the grant of MACP afresh as per the directions given in Para Nos. 21, 22 and 23 of the order.

26. With these observations and directions, all the aforesaid OAs are disposed of with no order as to costs.

27. In view of the fact that MA No. 441/2013 filed by the respondents in OA No. 602/2013 for deletion of respondents nos. 2 & 3 from the array of parties has already been rejected by the Tribunal vide order dated 12.02.2014, therefore, MA No. 440/2013 in OA No. 630/2013, MA No. 446/2013 in OA No. 638/2013, MA No. 450/2013 in OA No. 642/2013, MA No. 442/2013 in OA No. 655/2013, MA No. 443/2013 in OA No. 656/2013, MA No. 444/2013 in OA No. 657/2013, MA No. 445/2013 in OA NO. 658/2013 and MA No. 449/2013 in OA No. 731/2013 filed for deleting respondents nos. 2 & 3 from the array of parties are also rejected.

OA 602/2013, OA 630/2013 with MA No. 440/2013,
OA 638/2013 with MA 446/2013, OA 642/2013 with
MA No. 450/2013, OA No. 655/2013 with MA 442/2013,
OA No. 656/2013 with MA 443/2013, OA 657/2013 with
MA 444/2013, OA 658/2013 with MA 445/2013 and
OA 731/2013 with MA 449/2013

28. The Registry is directed to place a certified copy of this
order in the files of other connected matters.

(SMT. CHAMELI MAJUMDAR)
MEMBER (J)

(ANIL KUMAR)
MEMBER (A)

Abdul

OA 656/13

Copy Given to Kamita Bhat. cont
for Applicant & Mr. PK. Sharma Count
for Respondent no. 312 & 313 Dated 17-3-15

Rajendar
17-3-15