

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

...

O.A No. 060/00040/2014

Date of decision- 18.01.2016

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

...

Roshan Lal son of Gurdas Ram

Ex. Machine Shot Mistri,

Loco Shed, Jalandhar

Retired on 30.06.1990, PRO No. NR 1901 Bank Account No.

0235000101032407,

H.NO. EM-278, Rasta Mohalla,

Jalandhar.

...APPLICANT

BY ADVOCATE: Sh. Balram Singh,

VERSUS

1. Union of India through its Secretary-cum-Chairman
Railway Board, Rail Bhawan, New Delhi.
2. General Manager,
Northern Railway,
Head Quarter Office, Baroda Road, New Delhi.
3. Divisional Railway Manager,
Northern Railway
Ferozepur.
4. Senior Divisional Personnel Officer,
Division Office, Northern Railway
Ferozepur.

...RESPONDENTS

BY ADVOCATE: Sh. Yogesh Putney.

ORDER (ORAL)**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-**

The applicant herein is seeking benefit of pension by fixing it in the pay scale of Rs.5000-8000 w.e.f. 1.1.1996 as revised to Rs.13500-34800 (Rs.9300-34800 with grade pay of Rs.4200) w.e.f. 1.1.2006 which is based upon the judicial pronouncement of this court passed in O.A No. 1376/PB/2012 titled **Tilak Raj & Ors. Vs. U.O.I & Ors.** decided on 01.10.2013.

2. Learned counsel for the applicant submitted that order of this court has been approved by the Hon'ble Jurisdictional High Court in CWP No. 9581/CAT/2011 decided on 24.08.2011, therefore, he prayed that the present O.A may be disposed of in the same terms.

3. Learned counsel for the respondents submitted that subsequently in another matter, the authorities have filed CWP No. 23106/2015 titled **Union of India Vs. Prem Nath and another** wherein vide order dated 30.10.2015, the Hon'ble High Court has stayed the impugned order therein and also considered the order passed by this court as reflected above. Based thereupon, he submitted that till the matter is decided in pending writ petition, the applicant cannot be granted the benefit of order of this court. The order dated 30.10.2015 reads as under:-

"Heard the submissions made by learned senior counsel for the writ petitioner.

It is submitted that the private respondent had never served as Mistri-cum-Supervisor before his retirement in the year 1994. Therefore, the impugned order passed by the Tribunal relying upon the decision of this court which equated the position of Mistri-cum-Supervisor to that of J.E.II is not sustainable, it was submitted.

Notice of motion returnable by 07.01.2016.

The impugned order passed by the Tribunal, shall stands stayed till the next date of hearing."

4. In view of the above, the present O.A is disposed of with a liberty to either of the parties to move an application for revival of O.A after the decision in the pending writ petition, if need arises.

5. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 18.01.2016.

'jk'

