

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **22nd** day of **March**, 2018

Present :

Hon'ble Mr. Justice Dinesh Gupta, Member-J
Hon'ble Mr. Gokul Chandra Pati, Member-A

Original Application No.330/00266/2018

1. Vijay Kumar Pandey, aged about 64 years, son of Late Ram Kripal Pandey, Resident of Flat No.79, Sindhoriya Colony, Shivdaspur, Manduadih, Varanasi.
2. Ramesh Kumar, aged about 57 years, son of Late Hari Prasad Gupta, Resident of C-125, Rapti Nagar, Behind B.B.S. Sports College, Gorakhpur.
3. Krishna Mohan Misra, aged about 51 years, son of Late Phooleshwar Misra, Resident of Gautam Bihar, H.I.G.-III, House No.33, Tara Mandal, Gorakhpur.
4. Ashok Kumar, aged about 58 years, Son of Late Ganga Prasad, Resident of C-177, Mohan Lalpur, Surajkund, Gorakhpur.
5. Vinay Kumar, aged about 62 years, Son of Vasudeo Prasad, Resident of G-1, Shiv Vihar, Vasaratpur, Medical Road, Gorakhpur.
6. Jai Shankar Lal Srivastava, aged about 65 years, Son of Yogendra Lal Srivastava, Resident of 750, Ganeshpuram, Arogya Mandir, Rapti Nagar, Gorakhpur.
7. Amar Pal Singh, aged about 52 years, Son of Late Laxmi Narain Singh, Resident of B-20, Rustampur Tiwaripur Colony, Gorakhpur.
8. Abhai Kumar Srivastava, aged about 54 years, Son of Late R.D. Srivastava, Resident of C-102-923-B, Near Montesari School, Mohaddipur, Gorakhpur.
9. Jagdish Kumar Yadav, aged about 57 years, Son of Ram Kishore Yadav, Resident of 740/P, Sarvodaya Nagar Bichiya, Gorakhpur.
10. Hari Shankar Lal, aged about 69 years, Son of Late Raja Ram, Resident of 840-M, Luchchipur, Mahewa, Gorakhpur.
11. Kamaleshwar Chaturvedi, aged about 59 years, Son of Late Awadhesh Chaturvedi, Resident of 156, Veer Bahadur Colony, Kooraghat, Gorakhpur.
12. Diwakar Mishra, aged about 59 years, Son of Late Basudeo Mishra, Resident of 127, Malviya Nagar Colony, Kooraghat Colony, Gorakhpur.

13. Harish Chandra Sharma, aged about 64 years, Son of Late Sant Prasad Sharma, Resident of 219Q, Gayatripuram, Nakha No.1, Vasharatpur, Gorakhpur.
14. Ajai Kumar Tripathi, aged about 58 years, Son of Sri S.S. Tripathi, Resident of 1302, Chiriyaghar, Kooraghat, Gorakhpur.
15. Jagdish Prasad Singh, aged about 63 years, Son of Late Ram Pyarer Singh, Resident of Ganga Nagar, Vasharatpur, Gorakhpur.
16. Rajesh Kumar Srivastava, aged about 61 years, Son of Late Rajendra Prasad Srivastava, Resident of 754-B, Ganeshpuram, Rapti Nagar, Gorakhpur.
17. Aditya Kumar, aged about 61 years, Son of Late Ram Chandra Sahai, Resident of Infront of Haji Altaf Husain, Sheikhpur, Gorakhpur.
18. Ram Ashrya, aged about 66 years, Son of Late Ram Raj, Resident of 128-A, New Dharampur, Pragati Vihar, Gorakhpur.
19. Smt. Anjoo Misra, aged about 48 years, D/o Sri A.P. Mani Tripathi, Resident of 8, Railway Transit House, Railway Colony, Gorakhpur.
20. Rakesh Gupta, aged about 59 years, Son of Late Suraj Kumar Gupta, Resident of Canal Road, Near Transfer House, Mohaddipur, Gorakhpur.
21. Chedi Lal, aged about 63 years, Son of Late Heera Lal, Resident of 73, Hajaripur, Near Swami Birjanand School, Sadar, Gorakhpur.
22. Yogendra Nath Kunwar, aged about 63 years, Son of Ayodhya Nath Kanwar, Resident of 288, Nirala Nagar, Vasharatpur, Gorakhpur.
23. Santosh Kumar Giri, aged about 62 years, Son of Shiv Nath Giri, Resident of Durga Nagar (Bachchara), Faizabad.
24. Ram Ujagar Kannaujiya aged about 57 years, Son of Baboo Lal, Resident of 3/101, Vastukhand, Gomti Nagar, Lucknow.
25. Navendu Sheskar, aged about 52 years, Son of Ram Komal Tripathi, Resident of Rustampur, New Shivakuti Colony, Gorakhpur.
26. Sri Ram, aged about 67 years, Son of Late Harvansh, Resident of 187-J, Jangal Beni Madho No.2, Moharipur, Gorakhpur.
27. Ajeeet Kumar Yadav, aged about 64 years, Son of Late Nanda Lal Yadav, Resident of 665-O, Ganga Tola, Vasharatpur, Gorakhpur.
28. Mithilesh Prasad, aged about 57 years, Son of Late Harihar Prasad Gupta, Resident of Keshvapuram Colony, Nathmalpur, Gorakhpur.
29. Santosh Kumar, aged about 64 years, Son of Late Raj Kumar Gupta, Resident of 109, Tilansapur, Ashapur, Varanasi.

30. Raj Narain Upadhyay, aged about 64 years, Son of Late Sadho Sharan Upadhyay, Resident of Saint John Colony, Marauli, Bhoolanpur, Varanasi.
31. Surendra Kumar Saran, aged about 60 years, Son of Late Shal Saran, Resident of B-21/109C, Kamchcha, Varanasi.
32. Nirmal Kumar Singh, aged about 61 years, Son of Late Ram Singhsan Singh, Resident of 512/19-5, Pipariya Pokhari, Teliarganj, Varanasi.
33. Shiva Poojan Dube, a/a 61 years S/o Late Ram Vikrsh Dube, R/o 379 Adarsh Nagar, Vasharatpur, Gorakhpur.
.....Applicants.

By Advocate -Shri T.S. Pandey

V E R S U S

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Gorakhpur.
3. F.A & C.A.O., North Eastern Railway, Gorakhpur.

..... Respondents

By Advocate : Shri M.K. Yadav

O R D E R

By Hon'ble Mr. Justice Dinesh Gupta, Member-J :

Heard Shri T.S. Pandey, counsel for the applicants and Shri M.K. Yadav, counsel for the respondents.

2. Learned counsel for the applicants submitted that the applicants moved this OA for grant of benefits of 6th pay Commission, which the other Tribunals, High Court of Madras and Apex Court vide their judgment approved the same in favour of the applicants. Learned counsel for the applicants further submitted that some of the applicants have also preferred a

representation before Respondent No.3/Competent Authority. However, the same are still pending with the respondents.

3. Learned counsel for the applicants also submitted that his grievance may be redressed if a direction is given to the respondents to consider and decide the representations of the applicants in the light of observations made by Hon'ble Apex Court and the Hon'ble High Court of Madras and Central Administrative Tribunal of Jabalpur Bench within a specified period of time.

4. Learned counsel for the respondents has no objection if such a direction is given.

5. On perusal of representation moved by the applicants, it appears that only some of the applicants filed the representation and this OA has been filed by 32 applicants. So it will be better that all the applicants may file their representations. Accordingly, the applicants are directed to file their representations before Respondent No.3/Competent Authority along with certified copy of order passed by Hon'ble Apex Court, Hon'ble High Court of Madras and CAT, Jabalpur Bench alongwith copy of this order within three months and thereafter Respondent No.3/Competent Authority will take a decision on the representations of the applicants in the light of observations made by Hon'ble Apex

Court and Hon'ble High Court of Madras and Central Administrative Tribunal of Jabalpur Bench within a period of three months from the date of receipt of representation alongwith certified copy of this order.

6. It is made clear that we have not expressed any opinion on the merits of the case.

7. With the above direction, the OA is disposed of at the admission stage itself. No costs.

Member-A

Member-J

RKM/