

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-161/2017

New Delhi this the 13th day of January, 2017

**Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

1. Sh. Sujit Kumar Mullick,
S/o Late Sh. B.B. Mullick,
Aged 60 years,
Retd as Guard, (Group-C),
R/o C-2/40, Heera Nagar,
New Delhi.

2. Sh. Munshi Lal,
S/o Sh. Madho Ram, aged 60 year,
Retd as HPC (Group-C),
R/o 3764, Hans Marg, Ram Nagar,
Loni Road, Shahdara, Delhi-32.

3. Sh. Jiya Ram Yadav,
S/o Sh. R.S. Yadav, aged 60 years,
Retd as Head Booking Clerk, (Group C).
R/o- E-0105, Delhi Kishan Ganj,
Delhi.

4. Sh. Uday Raj Sharma,
S/o Sh. Triloki Nath Sharma,
Aged 60 year,
Retd as HBC (Group-C)
R/o 269, Jhangir Puri,
South Delhi, Delhi. Applicants

(through Sh. Manjeet Singh Reen)

Versus

1. The Secretary,
Ministry of Railways,
Railway Board,
Rail Bhawan, New Delhi.

2. The General Manager,
Northern Railway,
Baroda House, New Delhi.

3. The Divisional Railway Manager,
Northern Railway,
Moradabad Division,
Moradabad (UP). Respondents

ORDER (ORAL)**Mr. Shekhar Agarwal, Member (A)**

This OA has been filed seeking the following reliefs:

"1. That this Hon'ble Tribunal may graciously be pleased to direct the respondents no. 2 i.e (General Manager Northern Railway, Baroda house New Delhi) to examine the case of the applicants in the light of Nand Kishore case as well as Nabi Mohd's, Kusum Maliks' & Raja Ram's case & Mr. Gajadhar Singh & Others as well as Nr. Gabar Singh Rawat and decided their pending representation dated 10.12.2016 by speaking and reasoned order under intimation to the applicants with all consequential benefits.

2. That this Hon'ble Tribunal may graciously be pleased to direct the respondent no. 2 i.e (General Manager Northern Railway, Baroda House, New Delhi) for extending the same benefits to the applicants which were extended to Shri Nand Kishore & Others in OA. No. 551/ 2002 upheld upto the level of Hon'ble Supreme Court later on the respondents vide their order dated 11.1.2012 implemented the direction of this Hon'ble Tribunal as well as Nabi Mohd's case in OA No. 1706/2008 and Kusum Malik's & Raja Ram's case & Gabar Singh Rawat case both judgments have been implemented by the same respondents and same benefits extended to other similar colleagues of the applicants.

3. That any other or further relief which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case may also be granted in favour of the applicants."

2. The applicants are relying on the judgment of this Tribunal in OA No. 551/2002 titled Nand Kishore and Ors. Vs. Union of India. The aforesaid judgment was affirmed by Hon'ble High Court vide Writ Petition No. 1932/2005 by their order dated 01.11.2010. SLP filed against the order of Hon'ble High Court was dismissed on 21.10.2011. This order has also been followed by Principal Bench of this Tribunal in OA No. 4289/2014 titled Shahid Ali Khan Vs. Union of India and other connected matters decided on 04.12.2014.

3. Learned counsel for the applicants submitted that the applicants were seeking a direction to the respondents to extend similar benefits to them as were given to the applicants of the OAs mentioned above. Applicants made a representation on 24.11.2015 followed by detailed representation on 10.12.2016. However, the respondents have not yet taken a decision on the same.

Applicants are seeking directions to the respondents to dispose of their representation within a given time frame.

4. Accordingly, we dispose of this OA at the admission stage itself without issuing notice to the respondents and without going into the merits of the case with a direction to them to decide the aforesaid representation of the applicants in the light of aforementioned judgments by means of a reasoned and speaking order within a period of sixty days from the date of receipt of certified copy of this order.

(Brahm Avtar Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/