# Central Administrative Tribunal
# Principal Bench
# New Delhi

C.P.No.435/2015 in O.A.No.3825/2010

with

C.P.No.394/2015 in O.A.No.1427/2008
C.P.No.395/2015 in O.A.No.1426/2008
C.P.No.458/2015 in O.A.No.1446/2007
C.P.No.778/2015 in O.A.No.717/2009
C.P.No.762/2015 in O.A.No.1135/2011
C.P.No.760/2015 in O.A.No.77/2009

Order Reserved on: 10.02.2016
Order pronounced on 19.02.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

**C.P.No.435/2015 in O.A.No.3825/2010:**

1. Shri Shyam Singh
   s/o Late Shri R.D.Singh Ratore
   Retd. Sr. Loco Inspector,
   SLI/NER DSL Lobby, Lucknow
   F-3251 Rajaji Puram
   Lucknow.

2. Shri Subir Kumar Chatterjee
   s/o Late Shri Gurupada Chatterjee
   Retd. Sr. Loco Inspector,
   NER, Lucknow Division
   E-514, DJA Housing
   Plot -1A, Sector-13
   Dwarka
   New Delhi 75.

3. Shri Hari Prasad
   s/o Shri Sarjoo Prasad Sharma
   555-Kha, A-204
   Bhola Khera Post
   Manas Nagar

Lucknow
Retd. Sr. Loco Inspector,
Diesel Lobby, N.E. Railway, Lucknow.

4. Shri B.P.Srivastava
s/o Late Shri Hazari Lal
568-KH/596BA
Geetapath, Alambagh
(Near Raj Cable Network)
Lucknow
Retd. Loco Inspector,
North Eastern Railway,
DSL Lobby, Lucknow.

5. Shri Bindeshwari Prasad Yadav
s/o Shri Chulhai Yadav
124, Kanhaiya Kunj Vihar
Krishna Nagar, Kanpur Rd.,
PO Manas Nagar
Lucknow 226 023.
Retd. Loco Inspector,
Mailani, NER, Lucknow.

6. Shri Jogendra Singh
s/o Late Shri Darshan Singh
559K/206, Bahadur Khera
Sujan Nagar
Alambagh
Lucknow.
Retd. Sr. Loco Inspector,
NER Diesel Lobby, Lucknow.

7. Shri Badri Prasad Verma
s/o Late Shri R.S.Verma
43, Anandlok Colony
Chinhat
Lucknow.
Retd. Sr. Loco Inspector,
NER, Lucknow.

8. Shri Arun Kumar Mazumdar
s/o Late Shri Bimal Kumar Mazumdar
84/1 Ram Gopal
Vidyanti Road
Lucknow.
Retd. Sr. Loco Inspector,
DSL Lobby, NER, CB Lucknow.

9. Shri Madav Sharan Lal

s/o Late D.P.Lall
SR5 353, Gitapuri
Kharagpur Main Road
Gomti Nagar Extension
Gomti Nagar,
Lucknow.
Retd. Sr. Loco Inspector,
NER DSL/Lobby, Gonda.

10. Shri Shubh Nath
s/o Late Shri Durbal Prasad
Sector 11/284, NER/LJN
Rajaji Puram
Lucknow 17.
Retd. Sr. Loco Inspector,
CB NER, Lucknow.

11. Shri Raj Deo Singh
s/o Late Shri Ram Pyare Singh
Vrindaban Colony
Road No.2, Near Walmi Complex
Janipur Road
Fulwari Sharif, Patna
(Bihar).
Retd. Sr. Loco Inspector,
SLI/CB NER/LJN.

12. Shri Suresh Chandra Srivastava
s/o Late Moolchand
Hafizpur, Near Durga
Vidya Mandir
Gola Gokaran Nath,
Distt, Khiri
Uttar Pradesh.
Retd. Loco Inspector,
NER, Mailani.

13. Shri Laxmi Chand Manwani
s/o Late Shri Govind Singh
548/P-99 Baldeo Khera
Manank Nagar
Lucknow 226 011
Retd. Sr. Loco Inspector,
NER, Lucknow.

14. Shri Mohatim Singh Yadav
s/o Late Shri Deu Singh Yadav
Village Ghauspur
PO Ghauspur

Distt. Ghazipur
Uttar Pradesh
Retd. Loco Inspector/
DSL Lobby NER, Lucknow.

15. Shri Hari Nath Singh
s/o Late Shri B.B.Singh
Village & Post Konder
Wazivgani, Gonda
Uttar Pradesh
Retd. Loco Inspector/
DSL Lobby, North Eastern Railway, Gonda.

16. Shri Kailash Nath Pathak
s/o Late Shri Ramlal Pathak
MIG-62, Avas Vikas
Bharat Puri Colony
PO Bargaon, Distt. Gonda
Gonda 271 002
Uttar Pradesh.
Retd. Sr. Loco Inspector,
DSL/Shed/NER Gonda.

17. Shri Krishna Behari
s/o Late Shri Kewla Pd.
MIG-60, Avas Vikas
Bharat Puri Colony
PO Bargaon, Distt. Gonda
Gonda 271 002
Uttar Pradesh.
Retd. Sr. Loco Inspector,
DSL/Shed/NCR, Gonda.

18. Shri Gorkh Prasad Tripathi
s/o Late Shri Madadeo Pd. Tripati
Village Jamuni
PO Santora
Distt. Siddharth Nagar
Uttar Pradesh.
Retd. Loco Inspector/
DSL Lobby/NER, Gonda.

19. Smt. Janaki Devi
w/o Late Shri Bipin Bihari Prasad
554A, Eldico Colony
Mdyam-2
Raj Barely Road
Lucknow.
Retd. Loco Inspector/
DSL Lobby, North Eastern Railway, Gonda.

20. Shri M.M.Adhikari
s/o Late Shri Murari Adhikari
247, Ram Bihar Colony
Para Road, Rajiji Puram
Lucknow.
Retd. Sr. Loco Inspector/
DSL Lobby NER, Lucknow.

21. Shri Sed Majid Ali
s/o Late Shri Waris Ali
64, Jigar Ganj
PO Gonda City
Distt. Gonda
Uttar Pradesh.
Retd. Sr. Loco Inspector/
DSL Lobby, Mailani/NER,
Gorakhpur (UP).

22. Shri Feroz Khan
s/o Late Shri Abdul Majeed Khan
54, Rajinder Nagar
PO Gonda City
Distt. Gonda
Uttar Pradesh.
Retd. Sr. Loco Inspector/
DSL Shed Gonda/NER.

23. Shri Mabood Ahmad
s/o Shri Mahmood Ahmad Khan
403, New Colony
Mewatian, Dist. & PO Gonda
Uttar Pradesh
Retd. Loco Inspector,
DSL, Mailani, NER, Lucknow.

24. Shri Mohd. Farooque
s/o Late Shri Bismillah
36, Saheb Ganj
Gonda
Uttar Pradesh
Retd. Sr. Loco Inspector,
NER, Lucknow.

25. Shri Virendra Kumar Pathak
s/o Late Shri Rampher
Sahab Ganj, Badbhav
Gonda
Uttar Pradesh
Retd. Loco Inspector/

DSL, NER, Gonda.

26. Shri Subhash Chandra Chunni
s/o Late Shri Gyan Chand Chunni
B-5, Shubhashish
Spring Medow Banglows
Inside Sun-city, S.P.Ring Road
Bhopal Area
Ahmedabad 58.
Retd. Sr. Loco Inspector,
Gorakhpur, NER, Uttar Pradesh.

27. Shri M.Z.Ansari
s/o Late Shri Md. Shami
136, Rudderpur
PO Gorakhpur Sadai
Distt. Gorakhpur
Gorakhpur
Uttar Pradesh.
Retd. Sr. Loco Inspector,
HQs Office, NER Gorakhpur.

28. Shri Rishi Kant Misra
s/o Late Shri S.N.L.Misra
D-244, Rajaji Puram
Lucknow.
Retd. Sr. Loco Inspector,
DRM Office, NER, Lucknow. Applicants

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India, through

1. Shri A.K.Mital,
Chairman
Railway Boards
Ministry of Railways
Rail Bhawan,
New Delhi.

2. Sh. Bajir Mishra
The General Manager
North-Eastern Railway
Gorakhpur (UP). .. Respondents

(By Advocate: Sh. K.S. Prasad with Sh. A. Nischal)

with

**C.P.No.394/2015 in O.A.No.1427/2008:**

1. Shri R.K.Agarwal
S/o Late Shri R.K.Gupta
Retd. Sr. Loco Inspector/Dsl.
Diesel Shed
North-Eastern Railway
Izatnagar
Bareilly (UP).
R/o Care House No.50/11
Ground Floor
Ashok Nagar
New Delhi.

2. Shri L.C.K.Nagrani
S/o Late Shri K.P.Nagrani
Retd. Sr. Loco Inspector
North-Eastern Railway
Izatnagar
Bareilly (UP).
R/o C-518, Rajendra Nagar
Izatnagar
Bareilly (UP)
Pin 243 122.

3. Shri Jugal Kishore Tiwari
S/o Late Shri N.K.Tiwari
Retd. Loco Inspector/Dsl.
Diesel Shed
North-Eastern Railway
Izatnagar
Bareilly (UP)
R/o 108, Sant Nagar
Near Air Force Gate
Izatnagar
Barelilly (UP).

4. Shri R.K.Sharma
S/o Late Shri Chander Kishore Sharma
Retd. Loco Inspector
Diesel Shed
North-Eastern Railway
Izatnagar
Bareilly (UP).
R/o 24, Bhairon Mathpuram
Nainital Road
Koharapur

Bareilly (UP). ... Applicants

(By Advocate: Shri G.D.Bhandari)

Versus

Union of India, through

1. Shri A.K.Mital,
   Chairman
   Railway Boards
   Ministry of Railways
   Rail Bhawan,
   New Delhi.

2. Sh. Rajiv Shukla (sic. Mishra)
   The General Manager
   North-Eastern Railway
   Gorakhpur (UP). .. Respondents

(By Advocate: Sh. K.S. Prasad with Sh. A. Nischal)

**C.P.No.395/2015 in O.A.No.1426/2008:**

1. Shri Badre Alam Ansari,
   S/o Late Shri Raham Ali Ansari,
   Retd. Sr. Loco Inspector/HQ
   North-Eastern Railway
   Gorakhpur
   R/o Care JP-51, Maurya Enclave,
   Pitampura, Delhi-110088.

2. Shri Mohd. Haneef,
   S/o Late Shri Mohd. Jeelai,
   Retd. Sr. Loco Inspector/HQ
   North-Eastern Railway
   Gorakhpur
   R/o Moh. Hamayupur, Uttari (North),
   Near Shuseel Ball Bihar
   Prathmic Viddalaya,
   P.O.Gorakhnath,
   Gorakhpur-273015 (UP).

3. Shri W.H.Siddiqui,
   S/o Late Shri H.R.Hussain,
   Retd. Sr. Loco Inspector/HQ
   North-Eastern Railway
   Gorakhpur

R/o C-164/163,
Narsinghpur,
Gorakhpur City-273001.

4. Shri R.P.Dubey,
S/o Late Shri S.P.Dubey,
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Gorakhpur
R/o Adarsh Nagar,
Khajurahia Bichia Jangal
Tulsi Rani,
P.O. PAC,
Gorakhpur (UP).

5. Shri Sajjad Hussain Siddiqui,
S/o Late Shri H.R.Hussain,
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Gorakhpur
R/o Moh. Narsinghpur,
Gorakhpur City.
Pin-273001 (UP).

6. Shri A.P.Verma,
S/o Late Shri A.C.Verma,
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Gorakhpur
R/o Moh. Humauyapur,
Gorakhpur (UP).
Pin-273015.

7. Shri Ekram Prasad,
S/o Late Shri Bhagirathi Rani
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Gorakhpur
R/o Village Budhipur,
P.O. Chainpur,
Distt. Balia (UP).

8. Shri Lal Kishore Pd.,
S/o Late Shri Man Mohan Dass,
Through Widow Smt. Meena Devi
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Lucknow Divn.
Gorakhpur (UP)
R/o 37/B, Manmohan Kunj,

Shastri Nagar, Bichiya Camp,
Gorakhpur-273014 (UP).

9. Shri Ram Pratap Gupta,
S/o Shri Shri Uma Shankar Gupta,
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Gorakhpur
R/o C-127/178, Delejagpur,
Gorakhpur-273001 (UP).

10. Shri S.P.Gaur,
S/o Late Shri R.N.P.Gaur,
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Gorakhpur
R/o 108-E, Islam Chok,
Behind Ansar School
Ghasikatra,
Gorakhpur-273001 (UP).

11. Shri Jalaluddeen Khan,
S/o Late Shri Mohd. Yaseen Khan,
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Gorakhpur
R/o Moh. Turkmanpur,
Near Masjid of Sultan Khan,
P.O.Geeta Press,
Gorakhpur (UP).

12. Shri Sita Ram Chaudhary,
S/o Late Paras Ram,
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Gorakhpur
R/o Village Sadik Ganj,
P.O.Baniabari, Sant Kabeer Nagar,
Khalilabad.

13. Shri Brij Lal Prasad,
S/o Late Shri Manki,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
House No.2/83, Rail Vihar,
Phase-II, Chargawan,
Gorakhpur (UP).

14. Shri Hari Har Nath,

S/o Late Shri Roop Lal,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur
R/o C-130/710,
Moh. Asuran Pakhra,
C/o Nain Optics,
Basharatpur,
Gorakhpur (UP).

15. Shri Dinesh Chand Srivastava,
S/o Late Lalta Prasad Srivastava,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (U.P.)

R/o Moh. Jafra Bazar
Near Pakartrii,
P.O.Jafra Bazar,
Gorakhpur (UP).

16. Shri Dhru Shankar,
S/o Late Shri Bankey Lal,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
R/o 801/B, Huayunpur North,
Kathari Bagh,
P.O.Gorakhnath,
Gorakhpur- 273015 (UP)

17. Shri Hasan Zaman Khan,
S/o Late Shri Sher Zaman Khan,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
R/o Moh. Milan Bazar (S),
Near Imli Tree,
Gorakhpur-273 001 (UP).

18. Shri Donald Banerji,
S/o Late Shri R. Ranerji,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
R/o Moh. Kharria Pokhra,
P.O. Basharatpur,
Gorakhpur (UP).

19. Shri U.N. Sarkari,

S/o Late Shri T.N. Sarkari,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
R/o Moh. Mohan Lal Pur,
Gorakhpur (UP)

20. Shri Ram Krishan Singh,
S/o Late Shri Chandrika Singh,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
R/o Moh. Chaksa Hussain,
(Durga Mandir),
H. No. 775/D, Ram Janki Nagar,
P.O. Bashratpur, Gorakhpur (UP).

21. Shri Mohd. Waheed,
S/o Late Shri Rali,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
R/o Moh. Asuran Pokhra,
P.O. Bashratpur,
Gorakhpur (UP).

22. Shri Ram Chander,
S/o Shri Guru Prasad,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur
R/o Village Dhodhara,
P.O. Bhainsaual, Sardar Nagar,
Gorakhpur (UP).

23. Shri Vakeel Prasad Yadeo
S/o Late Shri Sheo Pattak Yadeo,
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
Moh. Vishnupuram, 475-C,
P.O. Basaratpur, Gorakhpur (UP).

24. Shri Anwarul Hasan Ansari,
S/o Late Shri Mohd. Ishaqu Ansari,
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Gorakhpur
R/o Moh. Qazipur Reharwa, P.O. Maghar,
Sant Kabeer Nagar (UP).

25. Shri Prahlad Lal Srivastava,
S/o Late Shri A-B, Srivastava,
Retd. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
R/o Village Maghar, Distt. Sant Kabeer Nagar (UP).

26. Shri R.A. Singh,
S/o Late Shri R.R. Singh,
Through Widow Smt. R.Singh
Retd. Sr. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
R/o Moh. Basaratpur,
Behind Chaturvedi Hospital,
P.O. Basaratpur,
Distt. Gorakhpur (UP)

27. Shri Sant Kumar Mathur
S/o Late Shri Bhan Pratap Mathur,
Retd. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
Ishwari Dayal Building,
90, Latouch Road, Arya Samaj Road,
Ganesh Ganj, Lucknow.

28. Shri R.R. Benjamin,
S/o Late Shri E. Benjamin
Retd. Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gorakhpur (UP)
R/o 177/50, Gwynne Road,
Near Devi Scooter Repairer,
Paper Market, Aminabad,
Lucknow (UP).

29. Shri Ram Lagan Prasad,
S/o Late Shri Shiv Balak,
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway
Gorakhpur
R/o Moh. Basaratpur,
P.O. Basaratpur, Gorakhpur (UP)

30. Shri Vijay Kumar Srivastava,
S/o Late Shri Baldev Prasad Srivastava,
Retd. Sr. Loco Inspector/HQ
North-Eastern Railway

Gorakhpur
R/o House No. 860-H, Industrial Area,
Gorakhnath, Gorakhpur (UP)

31. Akhtar Hussain,
S/o late Shri Amir Khan,
Retd. Loco Inspector/Dsl. Lobby
North-Eastern Railway
Charbagh
Lucknow
Karbala Campus (Puttam Saheba),
Opposite Ayurvedic College
Haiderganj, Lucknow (UP)

32. Shri Ashoka Kumar Shukla,
S/o late Shri D.P. Shukla,
Retd. Loco Inspector/Dsl. Lobby
North-Eastern Railway
Charbagh
Lucknow
R/o 620/121, West Block,
Tulsi Bihan Keshoo Nagar,
Kanpur (UP)

33. Shri S.B. Alam,
S/o late Shri Syed Shafiq Alam,
Retd. Loco Inspector
North-Eastern Railway
Varanasi
R/o Manohar Nagar Colony, Dulhipur,
P.O. Mugalsarai, Distt. Chandauli.

34. Shri A. Ansari,
S/o late Zamil Abdeen,
Retd. Loco Inspector
North-Eastern Railway
Varanasi
R/o C/o Haridutt Upadhaya,
Manas Nagar Phulwari,
Near Durga Mandir (Cantt.),
Vacanasi (UP).

35. Shri S.A.R. Rizvi,
S/o late Shri Shanshan Shah Hussain,
Retd. Sr. Loco Inspector,
North-Eastern
Izatnagar, Bareilly City (UP)
R/o Loharpur House, Before Era's Hospital,
Sarfraj Ganj, Lucknow.

36. Shri Bhagwan Dass,
S/o late Shri Pooran Lal,
Retd. Loco Inspector
North-Eastern Railway
Izatnagar Division
Bareilly City
R/o Behind Shiv Mandir,
Madhi Nath, Bareilly (UP).

37. Shri Ved Prakash,
S/o late Shri Lorind Chand,
Retd. Loco Inspector
North-Eastern Railway
Izatnagar Divsiion
Bareilly City
R/o Khushboo STD, PCO Badwali Dhani
Old Depot Road, Mausam Vibhag Office,
Hisar (Haryana).

38. Shri N.N. Rai,
S/o late Shri Markanday Rai,
Retd. Senior Loco Inspector
North-Eastern Railway
Izatnagar
R/o House No. 22, G. Awantika,
Suncity Vistar, Bareilly (UP).

39. Shri Iqbal Jeet Singh,
S/o late Shri Bardev Singh,
Retd. Senior Loco Inspector
North-Eastern Railway
Izatnagar Division
Bareilly City.
R/o House No.2, Swagat Bihar,
Gandhi Nagar, Bareilly (UP).

40. Shri Baij Nath Pd. Yadeo,
S/o late Shri Khusro Yadeo,
Retd. Loco Inspector
North-Eastern Railway
Izatnagar City
Bareilly City
R/o House No. 107-A, Sun Rize Colony,
Behind RK University, Bareilly (UP).

41. Shri Budh Prakash,
S/o late Shri Om Prakash,
Retd. Loco Inspector/PBE
North-Eastern Railway
Izatnagar Division

R/o House No. 32, Khannu Mohalla,
Bareilly (UP).

42. Shri N.K. Kohli,
S/o late Shri Kishan Lal Kohli,
Retd. Senior Loco Inspector
North-Eastern Railway
Izatnagar Division
Bareilly City
R/o 938/1-2, Janak Puri,
Bareilly City (UP).

43. Shri Malkhan Singh,
S/o late Shri Jai Chand Singh,
Retd. Senior Loco Inspector
North-Eastern Railway
Izatnagar
Kasganj
R/o Phooka Mal Ka Bagh,
Nadrai Gate, Kasganj, Eta (UP).

44. Shri Girja Dutt,
S/o late Shri Brij Billas,
Ex-Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gonda (UP).
R/o Care Santosh Kumar,
Shastri Nagar, Near Crasing Gate,
Manikapur, Distt. Gonda (UP).

45. Shri Bhagwan Bux Singh,
S/o late Shri R.A. Singh,
Ex-Loco Inspector/Dsl. Lobby
North-Eastern Railway, Lucknow Divn.
Gonda (UP)
R/o Village Bankasia, Post Office Sumeripur,
Gonda (UP). -Applicants

(By Advocate: Shri G.D.Bhandari)

Versus

Union of India, through

1. Shri A.K.Mital,
Chairman
Railway Boards
Ministry of Railways
Rail Bhawan,

New Delhi.

2. Sh. Rajiv Mishra
The General Manager
North-Eastern Railway
Gorakhpur (UP). .. Respondents

(By Advocate: Sh. K.S. Prasad)

**C.P.No.458/2015 in O.A.No.1446/2007:**

1. Amit Barat & Ravi Barat (LRs)
S/o Shri Omio Kumar Barat (Since deceased)
S/o Late Shri Ganesh Chandra Barat
Retd. Sr. Loco Inspector,
Northern Railway,
Lucknow.
R/o E-3/53, Geeta Palli,
Alambagh,
Lucknow-224 005 (UP).

2. Shri Moinuddin Khan,
S/o Late Naimullah Khan,
Redt. Sr. Loco Inspector,
Northern Railway,
Lucknow.
R/o 548, GHA/75, Brij Bihar,
Brij Bihar Colony,
Teji Khera,
Manak Nagar,
Lucknow-226 011 (UP).

3. Shri Ganpati,
S/o Late Shri Sukh Lall,
Redt. Sr. Loco Inspector,
Northern Railway,
Pilibhit.
R/o ED-1/598, Sector D-1,
L.D.A. Colony,
Kanpur Road,
Lucknow-226 012 (UP).

4. Shri Bhagwan Das,
S/o Late Shri Gangadin,
Retd. Sr. Loco Inspector,
Northern Railway,
Lucknow.
R/o 923 B-11, Manas Nagar,

Gol Khirki,
Krishna Nagar,
Lucknow (UP).

5. Shri Shamimuz Zafar,
S/o Late Shri Latif Ahmad,
Redt. Sr. Loco Inspector,
Northern Railway Diesel Shed,
Alambagh,
Lucknow.
R/o 551 GA/61,
Old Sardari Khera,
Alambagh,
Lucknow (UP).

6. Shri Rama Shankar Sharma,
S/o Late Shri Niranjan Lal Sharma,
Redt. Sr. Loco Inspector,
Northern Railway Diesel Shed,
Alambagh,
Lucknow.
R/o 61-A, Malviya Estate,
Vijay Nagar,
Alambagh,
Lucknow (UP).

7. Shri Bhagwan Prasad,
S/o Late Shri Nar Singh Bahadur,
Redt. Sr. Loco Inspector,
Northern Railway,
Lucknow.
C/o M.U. Khan,
548-GHA/76,
Brij Bihar Colony,
Teji Khera,
Lucknow (UP).

8. Shri Bhagwan Prasad Srivastava,
S/o Late Shri Raghubir Prasad Srivastava,
Redt. Sr. Loco Inspector,
Northern Railway,
Lucknow.
R/o C-2/135, Sector-H,
L.D.A. Colony,
Kanpur Road,
Lucknow-12 (UP).

9. Shri Gyan Chand Kalyan,
Shri Late Amar Nath Kalyan,
Redt. Sr. Loco Inspector,

Northern Railway,
Lucknow.
R/o 559 kha/165, Sri Nagar,
Singar Nagar,
Alambagh,
Lucknow-5 (UP).

10. Smt. Jamila Victor,
(Legal Representative),
W/o Late Sanjeet Victor,
S/o Late Shri H.M.J. Victor,
Retd. Sr. Loco Inspector,
Northern Railway,
Lucknow.
R/o 466/59-B-1,
Mohalla Peer Bukhara,
Hardoi Road,
Chowk,
Lucknow (UP). -Applicants

(By Advocate: Shri G.D.Bhandari)

Versus

Union of India, through

1. The General Manager
Northern Railway
Baroda House
New Delhi.

2. The Secretary
Ministry of Railways
Railway Boards
Rail Bhawan
New Delhi.

3. The Divisional Railway Manager
Northern Railway
Moradabad. ... Respondents

(By Advocate: Shri V.S.R.Krishna and Sh. A.K.Srivastava)

**C.P.No.778/2015 in O.A.No.717/2009:**

1. Shri Dharam Pal,
S/o Shri Atma Ram
retd. Loco Inspector

Northern Railway, Ghaziabad (UP)
R/o House No.267, Gali No.6/7, Shiv Puri,
Vijay Nagar, Ghaziabad. .... Petitioner

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India through

1. Shri A.K.Mittal
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Shri Arun Arora
Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi. ..Respondents

(By Advocate: Shri K.S.Prasad and Shri S.M.Arif)

**C.P.No.762/2015 in O.A.No.1135/2011:**

1. Sri A.P. Mishra (aged about 66 years)
S/o late Sri Harihar Miashra,
Retired as Sr. Loco Inspector
Dhanbad
R/o C/o 24, AB Hill Colony,
P.O. & Distt.-Dhanbad
Pin Code-826001
Jharkhand. .... Petitioner

(By Advocate : Shri G.D. Bhandari)

versus

Union of India, through

1. Shri A.K.Mittal
General Manager,
East Central Railway,
Hajipur (Bihar).

2 Shri R.K.Gupta,
General Manager,
Eastern Railway,
Fairy Place

Kolkata
(West Bengal)

3. Shri B.B.Singh
Divisional Railway Manager
East Central Railway
Dhanbad
(Bihar)

4. Shri R.Badrinarain
Divisional Railway Manager
Eastern Railway
Howrah
(West Bengal)

5. Shri Rajesh Argal
Divisional Railway Manager
East Central Railway
Malda
(West Bengal).

6. Shri R.K.Jha
Divisional Railway Manager
East Central Railway
Danapur
(Bihar) ... Respondents

(By Advocate: Shri Shailendra Tiwari and Shri K.S.Prasad)

**C.P.No.760/2015 in O.A.No.77/2009:**

1. Shri Habib-Ur-Rehman-Khan (Aaged about 74 years)
s/o late Shri Abdul Qadir Khan
Retd. Sr. Loco Inspector
North-Eastern Railway
Bareilly City, Bareilly (UP)
R/o House No.451, Ground Floor
Vaishali,
Ghaziabad (UP) and Others. ... Petitioners

(By Advocate: Shri G D Bhandari)

Versus

Union of India through

1. Shri A.K.Mittal
Chairman
Railway Boards

Rail Bhawan, New Delhi

2. Shri Rajiv Mishra
General Manager
North-Eastern Railway,
Gorakhpur. ... Respondents

(By Advocate: Shri K.S.Prasad)

**O R D E R (Common)**

**By V. Ajay Kumar, Member (J):**

Since the facts and question of law involved in all these CPs are identical, the following common order is being passed. However, the facts in CP 435/2015 are considered, for convenience.

2. Heard both sides and perused the pleadings on record.

3. M.A.No.2271/2015 (OA 3825/2010), M.A.No.2058/2015 (O.A.No.1427/2008), M.A.No.2060/2015 (O.A.No.1426/2008), M.A.No.2369/2015 (O.A.No.1446/2007), M.A.No.4283/2015 (O.A.No.717/2009), M.A.No.4159/2015 (O.A.No.1135/2011), M.A.No.4157/2015 (O.A.No.77/2009), filed seeking exemption from filing the certified copies of the Judgement/Orders dated 02.01.2013, 04.01.2012, 04.01.2012, 04.01.2012, 07.09.2011, 18.12.2013 and 06.08.2009 respectively, are allowed.

4. This Tribunal, vide order dated 30.11.2011, disposed of the OA No.3825/2010 and the relevant paragraphs of which, are as under:

> "7. We have heard both the counsel and perused the pleadings as well.

8. Admittedly, all the applicants had retired in 1994, 2007, 2008 and 2009 respectively as is evident from pages 88 and 89 but perusal of memo of parties shows that all the applicants had retired from North Eastern Railway, Lucknow, Gonda, Gorakhpur etc. and their addresses are also of Uttar Pradesh. Most of the applicants have given their address of Uttar Pradesh even after retirement excepting applicant No.2, whose residential address is shown at Dwarka. Moreover, the parties impleaded are also the General Manager, North Eastern Railway, Gorakhpur (UP), Divisional Railway Manager, North Eastern Railway, Lucknow (UP), Divisional Railway Manager, North Eastern Railway, Izatnagar (UP) and Divisional Railway Manager, North Eastern Railway, Varanasi (UP) obviously because their pension would be regulated by the respective divisions from where they had retired, therefore, their cause of action, if any, had arisen in Uttar Pradesh. In normal course, the jurisdiction would lie with the division from where they had retired. Jurisdiction of Delhi would be available if they had shown that after retirement they have settled in Delhi.

9. Respondents have impleaded Secretary, Railway Board as respondent No.1 but merely by impleading Secretary, Railway Board, it would not give jurisdiction to the Principal Bench of the Tribunal to entertain this case at New Delhi. They have not challenged any order of the Railway Board. On the contrary, applicants have sought benefit of RBE Circular No.198/1992 dated 25.11.1992 (page 51), therefore, Principal Bench would have no jurisdiction to entertain this case at New Delhi. The OA is accordingly dismissed for want of jurisdiction. However, since it is admitted case of both the parties that the issue raised herein is pending before the Honble Supreme Court, naturally if a question of law is decided on principle which may give any benefit to the applicants, it would be open to them to agitate the matter in appropriate forum at that stage.

10. With the above observations, OA stands disposed of. No order as to costs."

5. However, this Tribunal by its Order dated 02.01.2013 passed in RA No.18/2012 in OA No.3825/2010 dated 02.01.2013, reviewed the OA order as under:

"The present Review Application has been filed by the applicants seeking review of the order dated 30.11.2011 passed by this Tribunal in OA No.3825/2010. The said OA was dismissed on the ground of lack of jurisdiction as most of the applicants belonged to Lucknow or Gonda etc. The case of the applicants is that similarly situated employees had raised similar grievances in OA No.717/2009 and the said OA was disposed of by this Tribunal vide order dated 07.09.2011 with the direction to the respondents "to pass fresh orders in the case of applicants on the basis of decision of Hon'ble Supreme Court, in the case of K.L.Mehandiratta and others within eight weeks after receiving copy of the judgment of Hon'ble Supreme Court"..... It is further submitted by the learned counsel for the applicants that almost 10 such more matters have been considered and disposed of by this Tribunal in which the applicants have been residents of places like Calcutta etc. The said orders

have also been upheld by the Hon'ble High Court and SLPs have been preferred by the respondents. In the premises, therefore, it is submitted by Shri G.D.Bhandari, learned counsel for the applicants that the case requires reconsideration and review of order dated 30.11.2011 in question.

2. Shri Rajinder Khatter, learned counsel for the respondents has submitted that there are atleast 7 SLPs, which are pending before the Hon'ble Supreme Court and they emanate from the similar orders and similar issues decided by this Tribunal and upheld by the Hon'ble High Court. It is, therefore, submitted by the learned counsel for the respondents that unless those SLPs are decided by the Hon'ble Supreme Court, nothing can be done at this stage by the Tribunal, particularly when the applicants have come from Lucknow and they have an option to go to Lucknow Bench of this Tribunal.

3. We have heard the learned counsel for the parties and we note that under similar circumstances, many OAs have been retained in Delhi and have been considered and allowed by this Tribunal on the same issue but in the present case, we notice that the applicants did not file an appropriate application (Petition for Transfer) under Section 25 of the AT Act 1985 before the Hon'ble Chairman seeking his Lordship's permission to retain the said OA in the Principal Bench. We are, therefore, not inclined to accept the arguments advanced by Shri G.D.Bhandari to review the OA as such. However, we note it with concern that many similar OAs have been disposed of by this Tribunal with a direction to the respondents to pass fresh order in the case of the applicants in those OAs on the basis of decision to be pronounced by the Hon'ble Supreme Court in the case of K.L.Mehandiratta & Ors. It goes without saying that in the eventuality, a favourable decision comes from the Hon'ble Supreme Court in the 7 SLPs, particularly in the case of K.L.Mehandiratta & Ors., the applicants will not be precluded to seek the same relief from the respondents and the respondents would be obliged to pass similar fresh order in the case of the present 28 applicants also keeping in view the spirit of the order to be passed by the Hon'ble Supreme Court in the case of L.L.Mehandiratta & Ors. and connected SLPs. The present applicants shall not be discriminated in this regard and shall be given the same treatment to be meted out to similarly situated others.

4. With the above said, the present Review Application stands disposed of. No costs."

6. Alleging violation of the orders of this Tribunal dated 30.11.2011, passed in OA No.3825/2010, as reviewed vide Order dated 02.01.2013 in RA No.18/2012, the CP No.435/2015 has been filed.

7. The respondents vide their compliance affidavit submitted that the case of **Union of India** v. **K.L.Mehdiratta and Others** [SLP (C) No.11539/2009] was disposed of along with a bunch of Special Leave Petitions in SLP(C) No.11805 of 2009 (**Union of India & Anr.** v. **R.D.Dixit and Others**) by the Hon'ble Apex Court by Order dated 29.04.2015 as under:

> "Shri N.K.Kaul, learned Additional Solicitor General, appearing for the petitioners, on instructions, sought permission of this Court to withdraw these special leave petitions with liberty to file appropriate petition (s) before the High Court.
>
> Permission sought for is granted.
>
> The special leave petitions are disposed of as withdrawn with liberty to the petitioners to make appropriate petition (s) before the High Court within one month from today. If such a petition is filed within the time prescribed, we request the High Court to consider the same in accordance with law, without reference to the period of limitation.
>
> The petitioners are also permitted to raise all such grounds that are available to them, including the grounds urged in these special leave petitions.
>
> Ordered accordingly."

8. The Review Petition No.386/2015 in Writ Petition (C) No.4806/2008 (**Union of India & Others** v. **K. L. Mehdiratta & Others**), along with other identical Review Petitions, which were filed in pursuance of the liberty granted by the Hon'ble Apex Court in the aforesaid order, were dismissed by the Hon'ble High Court of Delhi on 09.10.2015 on the similar lines of a decision passed in Review Petition No.377/2015, decided on 09.10.2015 (UOI & Anr. V. Kishan Lall Sharma & Ors.). In Review Petition No.377/2015, the Hon'ble High Court observed as under:

> "6. It is apparent from the above that the posts of Loco Inspectors, Crew Controllers etc. have to be filled only from Loco Running Side and they are *inter alia* required to perform duties directly

> connected with the training and monitoring of loco running staff on foot-plate duties of the locomotive cab of the moving trains. Therefore, it established beyond doubt that Loco Inspectors' suitability on the basis of their performance and expertise as loco running staff. Paragraph 5.1 of the above guidelines is further explicit that Loco Inspectors would be credited with actual foot-plate duties and also entitled to Running Allowance at the rate notified from time to time. Apparently, it was in these circumstances that this Court affirmed the decision of the CAT, that concluded that creating a disparity between the Loco Inspectors and Loco Running staff at the time of their retirement in terms of addition of the element of running allowance (Loco Running Staff being entitled to 55% and Loco Inspectors being entitled to the reduced quantum of 30%) was discriminatory.
>
> 7. Having considered the instructions, we are of the opinion that the arguments of the Indian Railways are unmerited. So far as the reliance upon the decision in *O.P. Saxena"s* case *(supra)* is concerned, we note that the Supreme Court was concerned with the issuing of stepping up of pay and had no occasion to deal with the question of discrimination at the stage of retirement in fixation of retirement benefits.
>
> 8. For the above reasons, the review petitions are dismissed as unmerited."

9. The respondent(s)-Contemnor(s), now, contemplating to file SLPs against the said orders of the Hon'ble High Court in the Review Petitions including the Review Petition filed in Mehdiratta's case (supra). However, vide Annexures CP-2 and CP-3 dated 21.12.2015 and 22.12.2015 respectively, the respondents have decided to implement the Orders of this Tribunal, subject to outcome of the proposed SLPs, to be filed before the Hon'ble Apex Court.

10. Accordingly, the learned counsel appearing for the respondent(s)-Contemnor(s) in this batch of CPs, prays for dismissal of the CPs by granting eight weeks time to comply with the orders of this Tribunal.

11. In the peculiar circumstances and in view of the aforesaid decision taken by the respondents' themselves to implement the

orders of this Tribunal, the aforesaid CPs are closed permitting the respondents to comply with the orders of this Tribunal, passed in the respective OAs, within eight weeks from the date of receipt of this order. Petitioners are at liberty to seek revival of the Contempt Petitions, if the respondents failed to comply with these orders within the time fixed. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

/nsnrvak/