

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. 437/2013

Date of Decision: 30.06.2017

Coram: Hon'ble Shri Justice Dinesh Gupta, Member (J)
Hon'ble Shri R. Ramanujam, Member (A) .

1. Amit R. Sahu
S/o Shri Ramlal Sahu
Age 42
Working as Motorman
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at: 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
2. Mangesh Patkar
S/o Shri Kamalakar Naraya Patkar,
Age 41 years,
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
3-7, Yojana CHS Ltd., Sant Namdeo Path,
Ambika Nagar, Dombivali (East),
Thane- 421 201.
3. Shegokar R.H.,
S/o Shri Hari Bahu,
Age 43 years,
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
157/14, Western Railway Quarter,
Santacruz (East), Golibari Road,
Mumbai- 400 055.
4. Gautam S.C.
S/o Shri Ram Singh Gautam,
Age 42 years,
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
204, building No. 3A,
Shriram Shankar Achole Road,
Above Hdfc Bank, Nallasopara (East),
Dist Thana (M.S.)- 401 209.
5. Surti U.D.
S/o Shri Dohiya
Age 53 years,
Working as Motorman,
Under: CLI (E), Churchgate,

Western Railway, Mumbai- 400020.

And residing at:

B-103, Kanta Apartment, Opposite Petrol pump,
Virar (West), District Thane,- 401 303.

6. P.V.N. Rao
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
7. V.C. Sharma
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
8. Raghunandan Singh,
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
9. Shradha Nand Srivastav,
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
10. OM Prakash Gupta
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
11. Ramdev R. Singh
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
12. S. Sivakumar
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:

C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.

13. Mohammad Afzal
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
14. Ajay Paliwal,
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
15. Dinanath Maurya
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
16. Sunil Vaidya
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
17. Surajit. R. Sengupta
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
18. Satya Kumar S. Nair
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
19. Deepak Mandloi
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.

20. Nitin. Kulkarni
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
21. AnilKumar R. Choudhary
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
22. Vivek P. Rozekar
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
23. Ram Yerne
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
24. Gurusharan Singh
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
25. Shrikant G. Waze
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
26. Haroon Pathan
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
27. Rai Om Prakash
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.

And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.

28. Musarrat Firoz
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
29. S. D. Khopkar
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
30. K.J. Koshambia
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
31. Pradeep Kumar Sharma
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
32. Satish S Rumale
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
33. C.S. Santwani
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
34. K.N. Sadawarti
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,

Matunga Road, Mumbai-400 019.

35. Munesh K. Kulshrestha
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
36. Jila Jeet Yadav
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
37. Hanshraj
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
38. Anupam Kheman
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
39. Siddique M.M.
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
40. Ram Subhash Yadav
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
41. M.I. Jose
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.

42. Aher Bhaskar Rambhau
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
43. Suresh Govindram Sehwan
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
44. Arvind N. Singh
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
45. S.A. Attar
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
46. Arind Bapat
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
47. Ashish Kumar Varun
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
48. Rakesh Kumar Gaud
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
49. Rajendra Kumar Sharma
Working as Motorman,

Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.

50. Sachchidanand Prasad
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
51. Satishchandra V. Karve
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
52. S. Abhyankar
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
53. Sandesh S. Kelbaikar
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
54. Mahendra G. Varma
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
55. Milind S. Kale
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
56. Suhas G. Bapat
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.

And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.

57. Shekhar M. Rode
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
58. Kurian Varughese
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
59. Shaikh K.M.
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
60. Neeraj Mittal
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
61. Shashikant Varshney
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
62. Prem Narayan Gupta
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
63. Ratnakaran T.U.
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,

Matunga Road, Mumbai-400 019.

64. Ranganathan B.
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
65. S. Thiagarajan
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
66. Kishor Chandra Sahu
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
67. Vinay Kumar
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
68. Girish Chandra
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
69. Umesh B. Yerne
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
70. Sachin Kumar Singh
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.

71. Rajendra Patil
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
72. Prawin Kumar
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
73. Sanjay Naranje
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
74. Sanjeev B. Bhandari
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
75. Basant Kumar Majhi
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
76. Bipin M. Surti
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
77. Surendra Singh
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
78. Rajguru R.A.
Working as Motorman,

Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.

79. Sajjan P.V.
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
80. Suresh N.
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
81. Sharma Rajesh
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
82. Jayant A. Bhangale
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
83. Rajesh Singh
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
84. H.K. Meena
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
85. Ranjit Kumar Debnath
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.

And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.

86. Debjyoti Chaki
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
87. Praful Kumar Makwana
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
88. Girija Shankar Tripathy
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019.
89. Sachin S. Patwardhan
Working as Motorman,
Under: CLI (E), Churchgate,
Western Railway, Mumbai- 400020.
And residing at:
C/o Amit Sahu, 95/4, Western Railway Colony,
Matunga Road, Mumbai-400 019 ... **Applicants.**

(By Advocate R. G . Walia)

Versus

1. The Union of India,
Through:
The General Manager, Western Railway,
Headquarters Office,
churchgate, Mumbai- 400 020.
2. Divisional Railway Manager
Mumbai Division,
Western Railway,
DRM's Office, Mumbai Central,
Mumbai- 400 008.

....Respondents.

(By Advocate Shri V S Masurkar)

O R D E R (oral)**Per: Hon'ble Shri Justice Dinesh Gupta, Member (J)**

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"a. This Hon'ble Tribunal may be pleased to call for the records and proceedings of the case and after going through the same be pleased to order and direct the Respondents to grant all the benefits to the Applicants and other similarly placed Motormen as has been granted to the Motormen of Original Application No. 316/2006 and in judgment dated 22.12.2009 and this judgment may kindly be made applicable to the similarly placed Motormen including the Applicants herein.

b. This Hon'ble Tribunal may be pleased to call for the records and proceedings of the case and after going through the same be pleased to count the Applicants' Training/Apprenticeship Period of one year as Motorman for the purpose of Grant of First and Second Financial Upgradation under the ACP Scheme and also Modified Assured Career Progression Scheme 2008 (MACP).

C. This Hon'ble Tribunal will be pleased to order and direct the Respondents to grant benefit of financial upgradation under ACP Scheme and MACP Scheme to the Applicants after counting the Training/Apprenticeship Period, with other consequential benefits of refixation of Pay, increments etc. With 18% interest p.a. On the arrears.

d. Since the cause of action, reliefs prayed for and the Respondents are common for all the Applicants, thus, they are filing a Joint Original Application. The Hon'ble Tribunal be pleased to allow the Applicants to file this Original Application jointly.

e. Cost of this Original Application be provided for;

f. Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case."

2. The Applicant filed this application for fixation of Pay by adding increments in the pay scale of Assured Career Progression Scheme 1999 herein after called ACP and Modified Assured Career Progression Scheme 2008, hereinafter called MACP by counting the period for the purpose of granting First and Second Upgradation and similarly by counting the training period for the purpose of MACP scheme also.

3. It is submitted that the benefits of ACP and MACP has been given to the Applicant but the training period has not been counted for making of the required period.

4. It is further stated that in the earlier litigation, the applicant was granted the benefits of the ACP and MACP after completion of 12 years and 24 years, however, the question whether the training/apprenticeship period should be counted towards completion of 12 years and 24 years was left open. Thereafter, the Original Application No. 316/2006 was filed for a direction to the respondents to count training/Apprenticeship period for the purpose of counting of 10/24 years.

5. The said OA No. 316/2006 was decided by this Hon'ble Tribunal by its order and judgment dated 22.12.2009.

6. The applicants state and submit that the

period of Training/Apprenticeship period before appointment should be counted for the purpose of pensionary benefits. In the case of the Applicants also, their Training/Apprenticeship period is counted for pensionary benefits in accordance with the Railway Board Letter dated 17.08.1984.

7. Against the order passed on Original Application No. 316/2006, the respondents filed Writ Petition No. 471/2010(**Union of India Vs R.P. Tripathi & 10 Ors.**). The said Writ Petition has been admitted and pending for final disposal. However, the Hon'ble High Court has not granted stay of the judgment of the Hon'ble Tribunal dated 22.12.2009 in Original Application No. 316/2006 and the respondents have implemented the judgment in Original Application No. 316/2006 subject to final outcome of the Writ Petition.

8. The Applicant further stated that the principle whether training period should be counted or not has been decided by this Hon'ble Tribunal and as such the law laid down in the aforesaid order is also applicable in all similarly placed Motormen and the respondents ought to have implemented the aforesaid judgment in case of all the Motormen who are eligible for Assured Career Progression Scheme.

9. The present Applicants are similarly placed persons as those 10 Applicants in Original Application No. 316/2006 and the respondents ought to have applied the same principle which has been

interpreted by this Hon'ble Tribunal for the above 10 Applicants. However, the benefit has been given only to 10 Applicants of Original Application No. 316/2006. It is Violative of Article 14 and 16 of Constitution of India. The law decided by this Tribunal is also applicable to the present Applicants.

10. Some of the Applicants also moved a representation for implementation, however, the respondents have failed to respond to such representation. The applicants turn left with no option to file this OA for the relief, that the applicant should also be given the similar benefit of ACP and inclusion of the training period in the length of their service for counting the period of 12/24 years.

11. The applicant also preferred a Misc. Petition Application No. 532/2013 for condonation of delay in filing this Application.

12. The respondents filed their reply and submitted that the applicants cannot be permitted to join this Original Application under Rule 5(4) of Central Administrative Tribunal Act. Further, the applicant have filed this Original Application which is full of latches and delay and the said application is barred by limitation and also stated that the applicants are not entitled to any inclusion of the training period in their regular service.

13. The applicants filed rejoinder and reiterated the facts as stated by them in Original Application.

14. Heard the Learned Counsel for the applicant, Shri R G Walia and Shri V S Masurkar for the respondents.

15. The only contention raised by the learned counsel for the applicant that when the applicants of OA No. 316/2006 have been granted, the benefit of the judgment passed by this Tribunal, subject to the outcome of Writ Petition, the present applicants are also entitled to the same reliefs.

16. Respondent's counsel contended that since the matter is pending before the High Court and the Writ Petition is pending, the judgment passed in OA No. 316/2006 is subject to legal scrutiny. They have implemented the order of this Tribunal subject to the outcome of Writ Petition. The respondents cannot be forced to grant relief to the applicants at this stage. The applicants of Original Application No. 316/2016 were granted the relief claimed by them only under the threat of contempt of court but in the present case, the court has not granted any relief to the applicants yet and the order of the OA No. 316/2006 has not attained the finality and is pending for consideration in the Writ Petition before the High Court. Hence the applicants are not entitled to any relief.

17. The Bench is also of the view that when the

order of the Tribunal passed in the OA No. 316/2006 has not attained finality and is pending for judicial scrutiny before the High Court, and the High Court has admitted the Writ Petition for judicial scrutiny, the applicants of this case cannot be granted the same relief which has already been granted by the Coordinate Bench of this Tribunal and the applicants are not entitled to any relief at present. However, in case, the Writ Petition is decided in favour of the applicants of OA No. 316/2006, and the Government took decision finally in respect of the inclusion of the training period in the services of the motormen only then the applicants will also be entitled to the same reliefs as applicable in the case of applicants of OA No. 316/2006.

18. This OA is disposed of with the above observations.

(R. Ramanujam)
Member (A)

(Justice Dinesh Gupta)
Member (J)

Ram.