

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 383/2015

Date of decision: 01.05.2019

Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhaya, Member (A)

Abhay Kumar Bansal (TGT) S/o Shri Jagdish Prasad Bansal, aged about 40 years, resident of Near Balaji Chowk, Gangapur City, Distt. Sawai Madhopur at present posted as TGT, at Railway Senior Secondary School, Gangapur City, Distt. Sawai Madhopur.

...Applicant.

(By Advocate: Shri Ashwini Jaiman)

Versus

1. Union of India through General Manager, West Central Railway, Jabalpur (M.P.)
2. The Chief Personnel Officer, West Central Railway, Jabalpur (M.P.).
3. The Senior Divisional Personnel Officer, West Central Railway, Kota.

...Respondents.

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

The present original application has been filed by the applicant seeking the following reliefs:

"By an appropriate order or direction, the impugned order dated 16.01.2015 (Annexure A/1) may be quashed and set-aside and respondents be directed to re-examine the matter in view of

(2)

Rule 7(1)(A)(ii) of the rules of 2008 and pay of applicant be revised as has been done in case of similarly situated persons i.e. Mahesh Gehlot and other Junior Persons.

By an appropriate order or direction, the respondents be directed to step up/revise the pay of the applicant in pay scale of Rs.9300-34800 and petitioner may be allowed the revised pay of Rs.12540/- with grade pay Rs.4600/- w.e.f. 1.1.06 and therefore applicant may be allowed minimum of pay scale i.e. Basic Pay + Grade Pay (12540+4600=17140/-) as on 1.1.2006 with all consequential benefits alongwith arrears of pay with interest @ Rs.12% per annum."

2. At the very outset, Mr. Anupam Agarwal, learned counsel for the respondents states that during pendency of the original application, Ministry of Finance has issued an office memorandum dated 28/09/2018 which has been adopted *mutatis mutandis* by the Railways through R.B.E. No. 158/2018 dated 12/10/2018 and the same mitigates the demand raised by the applicant here-in. Learned counsel further states that in view of R.B.E. No. 158/2018, original application has become infructuous and the same can be disposed of accordingly.

3. On the other hand, learned counsel for the applicant states that though R.B.E. No. 158/2018 mitigates the demand of the applicant but the exercise with regard to pay fixation has not been undertaken by the respondents pursuant to said R.B.E.

4. In view of the above, we deem it appropriate to dispose of the original application by issuance of a direction to respondents

(3)

to undertake the exercise of pay fixation in terms of R.B.E. No. 158/2018 within a period of two months from today.

5. Ordered accordingly. No order as to costs.

(A.Mukhopadhaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/