

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.406/2014

Date of Decision: 09.01.2019.

CORAM:HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)
HON'BLE SHRI R.N. SINGH, MEMBER (J)

1. D.M. Nilegaonkar,
Son of Manohar Bapurao Nilegaonkar
Date of Birth: 30.05.1978, Age: 36 years,
Working/worked as Helper, under Chief
Workshop Manager, Loco Workshop,
Parel, Central Railway, Mumbai 400 012.
R/at F-4, Suyog Sahajeevan CHS, Old
Katrapp Road, Opp. Gite Nagar, Badlapur (E),
Dist. Thane – 421 503.
2. Ashok Kumar Yadav,
Son of Lal Bahadur Yadav,
Date of Birth: 20.07.1980, Age:33 years,
Working/worked as : Helper-II,
under Chief Workshop Manager, Parel,
Sr. Sectional Engineer (SSE) (Welding Shop),
Central Railway Workshop at Parel, Mumbai -12.
R/at 4/1, Barretto Compound, Orlem Church,
Malad (W), Mumbai 400 064.
3. Santosh Kumar Dubey,
Son of Bansh Narayan Dubey, DOB:03.02.1980,
Age: 34 years, working/worked as: Helper-II,
under Chief Workshop Manager, Parel,
Sr. Sectional Engineer (SSE) (Wheel Shop),
Central Railway Workshop at Parel, Mumbai-12.
R/at M.S.R.B. -II, 112/16, Central Rly.
New Colony, Kurla (E), Mumbai – 24.
4. Manithkumar Samson,
Son of Samson Samuel, DOB: 18.07.1979,
Age: 34 years, working/worked as: Helper-II,
under Chief Workshop Manager, Parel,
Mumbai 400 012.
R/at 27A, Uttar Bhartiya Society, Masrani Lane,
Halav Pool, Kurla (W), Mumbai 400 070.

5. Amubj Yadav,
Son of Mewalal Yadav, DOB: 02.04.1980,
Age: 34 years, working/worked as : Helper-II,
under Chief Workshop Manager, Parel,
Mumbai 400 012.
R/at 4/1, Barretto Compound, Orlem Church,
Malad (W), Mumbai 400 064.
6. Bipin Kumar Singh,
Son of Shri Faujdar Singh, DOB:10.05.1980,
Age: 34 years, working/worked as :Helper-II,
under Chief Workshop Manager, Parel,
Mumbai 400 012.
R/at Shri Pragati Apartment, 'A' Wing, Room
No.6, 2nd Floor, Vijay Nagar, Kalyan (E),
Dist. Thane (Maharashtra).
7. Indra Bahadur Yadav,
Son of Raghubar Yadav, DOB:01.07.1979,
Age: 34 years, working/worked as: Helper-II,
under Sr. Sectional Engineer (SSE) (Corrosion),
STR Shop, Central Railway Workshop at Parel,
Mumbai 400 012. R/at MSRB-I/10/10, Central
Railway Colony, Juinagar, Navi Mumbai 400 706.
8. Santosh Gangurde,
Son of Raghunath Gangurde, DOB:09.07.1978,
Age: 35 years, working/worked as : Helper-II,
Under Sr. Sectional Engineer (SSE) STR Shop of
Central Railway Locomotive Workshop, Parel,
Mumbai 400 012. R/at Sea Shell, 'B' Wing, 1st
Floor, R.No.1, Juhukoliwada, Santacruz (W),
Mumbai 400 049.
9. Anil Kashinath Mane,
Son of Kashinath Ramchandra Mane,
DOB: 24.09.1980, Age 32 years, working/
worked as Helper-II, under Chief Workshop
Manager, Central Railway Locomotive Workshop,
Parel, Mumbai 400 012.
R/at 2/91, Sankalp Siddhi Bldg., Near Tardeo
Bridge, P.B. Marg, Grant Road (E),
Mumbai 400 007.
10. Prakash K. Chouhan
Son of Kishan R. Chouhan, DOB:11.07.1979,
Age: 34 years, working/worked as: Helper-II,

under Chief Workshop Manager, Central/S.S.E.
Yard, Locomotive Workshop at Parel, Mumbai-12.
R/at Shri Pragati Apartment, 'A' Wing, Room No.16,
2nd Floor, Vijay Nagar, Kalyan (E), Dist.
Thane (Maharashtra).

11. Satyadev Kamlaprasad Verma,
Son of Kamlaprasad Bansuram Verma,
DOB: 25.09.1981, Age:32 years, working/worked
as: Helper-II, under Chief Workshop, Central
Railway Workshop at Parel, Mumbai 400 012.
R/at Rahul Nagar No.2, Sion Trombay Road,
Near Vasant Dada Patil Engg. College,
Chunabhatti, Mumbai 400 022.
12. Hari Shankar Pandey,
Son of Ram Akbal Pandey, DOB:20.01.1977,
Age: 37 years, working/worked as: Helper-II,
under Sr. Sectional Engineer (SSE) (Heavy)
Chassis New, Central Railway Workshop at Parel,
Mumbai 400 012. R/at M.S.R.B/I/L/19, Central
Railway Colony, Kalwa (W), Dist. Thane.
13. Shaikh Abdul Kalam,
Son of Shaikh Abdul Majid, DOB:30.10.1978,
Age: 35 years, working/worked as: Helper,
under Sr. Sectional Engineer (SSE) (Battery
Section), Central Railway Workshop at Parel,
Mumbai 400 012. R/at Sahamat Ali Chawl,
Jai Hind Nagar Pipe Line, Khar (E),
Mumbai 400 051.
14. Pramod Kumar Sharma,
Son of Ram Lakhan Sharma, DOB:01.06.1983,
Age: 30 years, working/worked as : Helper-II,
under Sr. Sectional Engineer (SSE) (Power
Pack Shop), Central Railway Workshop at Parel,
Mumbai 400 012. R/at Room No.36, SVP Nagar,
Near Central Railway Colony, Matunga,
Mumbai 400 019.
15. Shailendra L. Shukla,
Son of Laxmi Narayan D. Shukla, DOB:18.04.1981,
Age: 33 years, working/worked as: Helper-II,
under Sr. Sectional Engineer (SSE) (STR Shop)
(Corrosion Repair), Central Railway Workshop at
Parel, Mumbai 400 012. R/at Deep Narayan Shukla

Niwas, Fareed Nagar, Bhandup (W),
Mumbai 400 078.

16. Rahul Prakash Rane,
Son of Prakash Laxman Rane, DOB:20.09.1978,
Age: 35 years, working/worked as: Helper-II,
under Sr. Sectional Engineer (SSE) (Fitting Shop),
Chief Workshop Manager's Office, Central Railway
Locomotive Workshop at Parel, Mumbai 400 012.
R/at Central Railway Colony, Bldg. No.254/30,
D.B. Ambedkar Road, Near Maru Hospital, Parel,
Mumbai 400 012.
17. Dinesh Kumar Ramchandra Yadav,
Son of Ramchandra Yadav, DOB:07.01.1981,
Age: 33 years, working/worked as: Helper-II,
under Sr. Sectional Engineer (SSE) (STR Shop),
Central Railway Workshop at Parel, Mumbai -12.
R/at Vindhyachal Yadav Chawl. R.No.2, Hanuman
Nagar, Bhandup (W), Mumbai 400 078.
18. Dinesh Kumar Sharma,
Son of Late Chandra Bali Sharma, DOB: 07.08.1979,
Age: 34 years, working/worked as : Helper-II,
under Sr. Sectional Engineer (SSE) (Heavy Chassis),
New Shop, Central Railway Locomotive Workshop
at Parel, Mumbai 400 012.
R/at Central Railway Colony, Room No.16, SVP
Nagar, Near Central Railway Colony,
Mumbai 400 019.
19. Gautam Babban Upadhyay,
Son of Babban Upadhyay, DOB:15.02.1981,
Age:33 years, working/worked as: Helper-II,
under Sr. Sectional Engineer (SSE) (Yard Shop),
Central Railway Workshop at Parel, Mumbai-12.
R/at Sai Saran Apartment, Room No.1, Chinchpada
Gaon, Church Road, Kalyan (E), Dist. Thane,
Near DSM English Medium School.
20. Raju B. Chavan,
Son of Bhagwan Yeshwant Chavan, DOB:26.08.1976,
Age:37 years, working/worked as: Helper-II,
under Chief Workshop Manager, Central
Railway Locomotive Workshop at Parel,
Dr. B.A. Road, Mumbai 400 012.
R/at B-52, Laxmi Cottage, 1st Floor, Dr. B.A.

Road, Parel, Mumbai 400 012.

21. Sunil D. Mahapure,
Son of Dinkar Y. Mahapure, DOB: 24.09.1978.
Age: 35 years, working/worked as: Helper-II,
under Chief Workshop Manager's office,
Central Railway Locomotive Workshop at Parel,
Mumbai 400 012. R/at R.B. Munshi Compound,
R.M. Road, Oshiwara, Jogeshwari (W),
Mumbai 400 012.
22. Sushant Akaram Bansode,
Son of Akaram Shripat Bansode, DOB:12.01.1978,
Age: 35 years, working/worked as: Helper,
under Chief Workshop Manager, Central Railway
Locomotive Workshop at Parel, Mumbai 400 012.
R/at Lone Chawl, Near Ravi Seth Bldg., Mahatma
Phule Nagar, Ambivali (E), Taluka – Kalyan,
Dist. Thane, Maharashtra, Pin 421 301.
23. Kashi Prasad Vaishya,
son of Jagnarayan Bishesar, DOB:25.05.1978,
Age: 35 years, working/worked as: Helper-II,
under Sr. Sectional Engineer (SSE) (Yard Shop),
Central Railway Locomotive Workshop at
Parel, Mumbai – 400 012.
R/at 387, Sai Co-op. Hsg Society, Jay Maharashtra
Nagar, Vardhraj Nagar, Kokari Aagar, S.M. Road,
Antop Hill, Mumbai – 400 037.
24. Kamlesh V. Kelbaikar,
son of Vijay Kelbaikar, DOB:04.10.1977,
Age: 35 years, working/worked as: Helper-II,
under Chief Workshop Manager,
Central Railway Locomotive Workshop
at Parel, Mumbai 400 012.
R/at 4/77, Bharatiya Vidhya Bhavan, Dattaram
Vad Marg, Chinchpokali, Mumbai 400 012.
25. Donde Dipak Suresh,
Son of Suresh Tukaram Donde, DOB:22.05.1979,
Age: 34 years, working/worked as: Helper,
under Central Railway Locomotive Workshop at
Parel, Mumbai 400 012.
R/at At & Post: Kasara, Samta Nagar, Ward No.05,
Taluka-Shahapur, Dist. Thane, Maharashtra- 421 602.

26. Bhalchandar M.
Son of Murugaperumal, DOB: 12.12.1978,
Age 35 years, working/worked as: Helper, under
Chief Workshop Manager, Central Railway
Locomotive Workshop at Parel, Mumbai 400 012.
R/at 401 'K' Wing, Netaji C.H.S. U.M.T. Nagar,
Mahim, Dharavi, Mumbai 400 017.
27. Nikhil A. Pathak,
Son of Amarnath S. Pathak, DOB: 10.08.1978,
Age: 35 years, working/worked as : Helper under
Chief Workshop Manager, Central Railway
Locomotive Workshop at Parel, Mumbai – 400 012.
R/at 201, Sabri Apartment, Himalaya Society,
Asalfa Village, Ghatkopar (W), Mumbai 400 086.
28. Amol Kasar,
Son of Bhivaji Namdev Kesar, DOB: 26.03.1978,
Age: 35 years, working/worked as: Helper, under
Chief Workshop Manager, Central Railway
Locomotive Workshop at Parel, Mumbai 400 012.
R/at Room No.17, Bandu Kharat Chawl, Nagoba
Chowk, Kasaiwada Road, Kula (E), Mumbai 400 022.
29. Mangesh V. Gamare,
Son of Vishwanath B. Gamare, DOB:25.03.1979,
Age: 35 years, working/worked as: Helper-II,
under Chief Workshop Manager, Central Railway
Locomotive Workshop at Parel, Mumbai 400 012.
R/at Room No.06, Sawant Chawl, Bhimwada,
Opp. Khira Nagar, S.V. Road, Santacruz (W),
Mumbai 400 054.
30. Vinod B. More,
Son of Bhaskar B. More, DOB: 14.08.1978,
Age: 35 years, working/worked as: Helper,
under Chief Workshop Manager, Central Railway
Workshop Manager, Central Railway Locomotive
Workshop at Parel, Mumbai 400 012.
R/at 403/A, Indraprastha Co-op. Hsg. Society,
B/Cabin Road, Near Gaondevi Mandir, Ambernath
(E), Dist.: Thane 421 501.
31. Chandrashekhar S. Yadav,
Son of Shivmurti Ramnarayan Yadav, DOB:10.01.1981,
Age:33 years, working/worked as : Helper, under
Chief Workshop Manager, Central Railway
Locomotive Workshop at Parel, Mumbai 400 012.

R/at B/7, Guru Ashraya Co-op. Hsg. Society,
Opp. Monalisha Hotel, Katrap Chowk, Badlapur
(E), Dist. Thane, Maharashtra, Pin 421 503.

32. Jitendra B. Shinde,
Son of Balaram Shinde, DOB: 03.11.1982,
Age: 31 years, working/worked as: Helper-II,
under Chief Workshop Manager, Central Railway
Locomotive Workshop at Parel, Mumbai 400 012.
R/at B/7, Guru Ashraya Co-op. Hsg. Society, Opp.
Monalisha Hotel, Katrap Chowk, Badlapur (E),
Dist. Thane, Maharashtra, Pin 421 503.
 33. Suhas Nagaraj Tikare,
Son of Nagaraj Janaradnarao Tikare, DOB: 02.01.1979,
Age: 34 years, working/worked as: Helper (Group D)
under Chief Workshop Manager, Central Railway
Locomotive Workshop at Parel, Mumbai 400 012.
R/at Guru Sharan Apartment, C/302, Barrage Road,
Kulgaon, Badlapur (W), Dist. Thane – 421 603.
 34. Ritesh Shivdas Badgujar,
Son of Shivdas Shankar Badgujar, DOB: 29.08.1979,
Age: 34 years, working/worked as: Helper ('D' Group),
under Chief Workshop Manager, Central Railway
Locomotive Workshop at Parel, Mumbai 400 012.
R/at Shriram Nagar, Sec. 29, Near Yashwant
Vidyalaya, Room No.5, Ulhasnagar, Pin 421 004,
Dist. Thane.
 35. Chandrakant Shivbachan Singh,
Son of Shivbachan Singh, DOB: 17.09.1977,
Age: 36 years, working/worked as: Helper, in Group
'D' post, in S.B.E. (Yard Shop), under Chief Workshop
Manager Office, Parel, Mumbai 400 012.
R/at 14, Skyline Co-op. Hsg. Society, Near Himalaya
Society, Asalpha, Ghatkopar (W),
Mumbai – 400 084.
- ... *Applicants*
- (By Advocate Shri R.G Walia)*

VERSUS

1. The Union of India,
Through the Secretary, Railway Board,
Ministry of Railways, Rail Bhawan,
New Delhi 110 001.

2. General Manager,
Central Railway, Head Quarters' Office,
CSTM, Mumbai 400 001.

3. Chief Workshop Manager,
Central Railway, Parel Workshop,
Mumbai 400 012.

... **Respondents**

(By Advocate Shri V.S. Masurkar)

ORDER (Oral)

Per : Shri R. Vijaykumar, Member (A)

Heard the learned counsel for the Applicants.

2. This Application has been filed on 03.07.2014 seeking the following reliefs:

“8.a) This Hon'ble Tribunal may be pleased to call for the records and proceedings which led to placing of the applicants in the Grade pay of Rs.1800/- and after going through its propriety, legality and constitutional validity be pleased to order and direct the respondents to place and pay the applicants the Grade Pay of Rs.1900/- with effect from 01.01.2006 onwards with full consequential benefits and arrears thereof with 18% interest thereon.

8.b) This Hon'ble Tribunal will be pleased to hold and declare that the applicants are entitled to be placed in the Pay Scale of Rs.3050-4590/- with effect from the date of the appointment and direct the respondents to pay the arrears of difference of salary to the applicants with 18% interest thereon.

*8.c) Cost of this original application is provided for;
8.d) Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.”*

3. The Applicants were appointed as Trackmen and are serving as Khalasi now but argue their case that when their pay was initially fixed, they were not fixed at par

with the pay of Khalasi which is not in accordance with law. The Applicants have not filed any representation to the respondents seeking specific orders on their grievances and during the hearing, the learned counsel for the applicant states that there are judgments of the Hon'ble Apex Court which have decided the matter in their favour. In the circumstances, it is appropriate that the applicants shall be required to first file their representations to the respondents. As provided under Section 20 of the Administrative Tribunals Act, this application cannot be considered without such examination being made by the respondents of such a representation and after communicating their orders to the applicants which can then be brought for adjudication before this Tribunal.

4. In the circumstances, this application is not maintainable and the OA is disposed of with liberty to the applicants to file a comprehensive representation for redressal of their grievances within three weeks of receipt of a certified copy of this order.

In case such a representation is received by the respondents within the stipulated time, the competent authority of the respondents is directed to consider the same keeping in view all the contentions raised by the applicants and dispose of the same by passing an appropriate reasoned and speaking order within three months of receipt of a copy of the representation from the applicants. It is made clear that this Tribunal has not made any observations on the merits of the case nor on the legal aspects involved.

5. In the aforesaid terms, the OA is disposed of without any order as to costs.

(R.N. Singh)
Member (J)

(R.Vijaykumar)
Member (A)

dm.