

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00057/14
With
MA/050/00045/14

Reserved on: 10.12.2018
Pronounced on: 13.12.2018

C O R A M

HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

1. Sunil Kumar Roy, Son of Late Ramashish, Technician Grade-I under Senior Section Engineer (Carriage & Wagon), East Central Railway, Rajendra Nagar Coaching Complex, Patna.
2. Ranjeet Kumar Ranjan, son of Late Suresh Chaudhary, Technician Grade-I under Senior Section Engineer (Carriage & Wagon), East Central Railway, Rejendra Nagar Coaching Complex, Patna.
3. Gautam Kumar, son of Late Yugal Rai, Technician Grade-I under Senior Section Engineer (Carriage & Wagon), East Central Railway, Rajendra Nagar Coaching Complex, Patna.
4. Mohan Kumar, son of Late Mahendra Singh, Technician Grade-II under Senior Section Engineer (Train Lighting), East Central Railway, Rajendra Nagar Coaching Complex, Patna.
5. Ram Chandra Choubey, Son of Sri LalanChoubey, Technician Grade-I under Senior Section Engineer (Carriage & Wagon), Patna.

..... Applicants.

- By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, District- Vaishali (Bihar).
3. The Divisional Railway Manager, East Central Railway, Danapur, PO- Khagaul, District- Patna (Bihar).
4. The Senior Divisional Personnel Officer, East Central Railway, Danapur, PO- Khagaul, District- Patna (Bihar).
5. The Senior Divisional Mechanical Engineer (Carriage & Wagons), East Central Railway, Danapur, PO- Khagaul, District- Patna (Bihar).
6. The Divisional Electrical Engineer (Train Lighting), East Central Railway, PO- Khagaul, District- Patna (Bihar).
7. The Senior Financial Manager, East Central Railway, Danapur, PO- Khagaul, District- Patna (Bihar).

..... Respondents.

- By Advocate: - Mr. Rajesh Mohan

ORDER

Per Dinesh Sharma, A.M.:- The case of the applicants is that they were recruited on compassionate ground and paid a stipend of Rs. 950/- during their period of training of 3 years while others, who were recruited by the Railway recruitment Board(RRB) for the same job during the same period (2001-02), were paid in the pay scale of Rs. 950-1500 /-. The applicants have cited the case OA No. 835/1998 which was allowed on 01.03.2005 granting similar benefit - of payment on a pay scale including other allowances - to both appointees under compassionate appointment and those appointed through the RRB. This case was appealed against before the Hon'ble High Court, Patna vide CWJC No. 14163 of 2005 (Union of India &Ors. Vs. Santosh Kumar Singh &Ors.). The High Court finally heard this WP and dismissed it on 01.02.2007. An SLP was filed before Hon'ble Apex Court against this judgment and this was also rejected by the Hon'ble Apex Court on 14.01.2011. The applicants have requested for granting them the benefit of full pay and allowances as per the applicable scale during the period of their training by treating them at par with the recruits of equivalent post by the RRB.

2. The applicants have also requested for condonation of delay vide MA/050/00045/2014 wherein they have requested for pardoning the delay which happened because of their waiting for the disposal of the above cited case by the Hon'ble Apex Court.

3. The respondents have not denied the facts. They have alleged that the period of training varies depending on whether the candidates selected through RRBs were ITI or Diploma holders. Since the applicants are not holders of ITI or Diploma their training is for 3 years. The respondents have also alleged that the benefit of disposal of OA 835/1998 and the subsequent rejection of appeals against that order by the Hon'ble High Court and Apex Court can be given only to those staff whose name appear in the aforesaid OA.

4. After going through the pleadings and hearing the counsel for both the parties, it is clear that the facts of this case are analogous to the facts before OA No. 835/1998 and the principles settled in that case should apply to the applicants of this case too. The higher length of training for those who are taken on compassionate ground can be justified because of their lack of any formal qualification like Diploma or ITI. But treating them differently for the purpose of pay and allowances during this period of training cannot be justified by any logic. Since both the recruits by RRB and the compassionate appointees are working on the same post and were being trained for the same job (Skilled Artisans Gr. III), paying them differently during the training period cannot be justified. The applicants are getting the normal pay after the completion of their training and the issue now is only for payment of allowances other than stipend during the period of their training. This is a just and reasonable claim which must be accepted by the respondents, especially in the light of the judicial pronouncements made in the cases aforesaid. During the course of

arguments, the learned counsel for the applicant submitted that the applicants will not claim for interest on this since they themselves are partly guilty of delay in agitating this matter. This submission of the learned counsel for the applicant is taken note of. The respondents are directed to grant the pay and allowances to the respondents for the training period undergone by them at the same rate at which these were granted to the recruits of RRB for the same post. This order should be complied with within three months of receipt of this order. The OA and MA are disposed of accordingly. No order as to costs.

**[Dinesh Sharma]
Administrative Member
Srk.**

**[Jayesh V. Bhairavia]
Judicial Member**