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Central Administrative Tribunal
Principal Bench

OA No. 373/2003

New Delhi this the 14th day of November, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

1. Shri Jhaqaroo
S/o Shri Kalu
Valveman, under I.O.W.
Northern Railway
Delhi.
2. Shri Ram Sumer
S/o Shri Ram
Valveman, under I.O.W.
Northern Railway
Delhi.
3. Shri Ayodhya Prasad
S/o Shri Kalla
Valveman, under I.O.W.
Northern Railway
Delhi.
4. Shri Ram Jagat
Valveman, under I.O.W.
Northern Railway
Delhi.

Applicants

(By Advocate: Shri S.K. Sawhney)

Versus

1. Union of India through
General Manager
Northern Railway
Baroda House, New Delhi.
2. Divisional Railway Manager
Northern Railway
D.R.M. Office, New Delhi.
3. Senior Section Engineer (Works)
Northern Railway
Delhi Division, Delhi.

Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

This OA has been filed against the action of respondents in not granting the applicants the pay of Valveman in the scale of Rs.3050-4590 although they

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have been working on that post for the last over one decade.

2. Learned counsel of the applicants stated that similarly situate persons had filed OA-1158/2000 in this Tribunal which was decided on 2.7.2001 (Annexure A-1) in which one of us (Shri V.K. Majotra, the then Member (A)) was a member. Although the applicants had submitted a joint representation for extending the benefit of the said judgment on 27.6.2002 (Annexure A-2), respondents had not taken any action so far.

3. We have heard the learned counsel of both sides.

4. Respondents have not disputed the factum that similarly situate persons have been working on the post of Valveman and were granted the relief in OA-1158/2000 vide order, therein, dated 2.7.2001. In that OA, respondents were directed to pay to the applicants in the pay scale of Rs.950-1500 (pre-revised) with arrears since 5.12.97 within a period of three months from the date of receipt of a copy of that order.

5. Learned counsel of the respondents, however, pointed out that while the applicants in OA-1158/2000 were Valveman, the applicants, herein, are working as Khalasis. Thus, that judgment is distinguishable. However, on perusal of order dated



2.7.2001 in the relied upon OA, we find that the applicants, therein, were also Khalasis and were being utilised as Valveman. As such, we do not find any distinguishing feature between the two cases and they are treated to be similar on facts and issues.

6. We have perused the aforesaid order of the Tribunal and find that the facts of both OAs are identical and, therefore, we do not see any reason for not allowing the OA and as such this OA is allowed by directing the respondents to pay to the applicants the pay scale of Rs.950-1500 (pre-revised). However, since applicants had filed this OA on 17.2.2003, in this view of the matter we are of the view that applicants shall be entitled to arrears from one year prior to 17.2.2003.

W.K. Majotra

(W.K. Majotra)...
Vice-Chairman (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

CC.