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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO 2125/2003

This the 13th day of August, 2004.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. **Kuldeep Singh,
D-6/31, Gali No.5, Sadat Pur,
Delhi-110094.**
2. **M.N. Papnoi,
K-35/17, Sadat Pur Extension,
Delhi-110094.**
3. **M.V. Sovani,
B-62-A, Ashok Vihar Phase II,
Delhi-110052.**
4. **Madan Mohan,
T/120, Om Vihar,
Shukra Bazar Road,
Uttam Nagar,
Delhi-110059.**

... Applicants

(By Advocate Shri Hari Shankar)

-versus-

1. **Union of India through
The Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi-110001.**
2. **The Railway Borad
Through the Chairman,
Ministry of Railways,
Rail Bhawan,
New Delhi-110001.**

... Respondents

h (By Advocate Shri R.C. Nangia)

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ORDER (ORAL)

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

Earlier on applicants had brought up their grievance relating to parity of scales of the Cipher Assistants (CAs) of the Railway Board with the CAs of the Zonal Railways through OA No.2230/2000 which was disposed of vide order dated 20.7.2001. The directions made in Tribunal's order dated 20.7.2001 were modified by order dated 19.8.2002 in RA No.373/2001 to the following effect :

“Having regard to the reasons recorded and discussion made above we find that it will be in the interest of justice to direct the respondents to consider the issue of parity of pay scales of COs of the Railways with the COs of Zonal Railways in the light of the observations made above. Respondents are further directed to decide this issue within a period of 4 months from the date of the present order.”

2. The present application has been filed impugning order dated 22.11.2002 (Annexure A-1) which has purportedly been passed in compliance of the Tribunal's directions contained in orders dated 20.7.2001 as modified by order dated 19.8.2002.

3. The learned counsel of applicants stated that impugned order dated 22.11.2002 has been passed perfunctorily without keeping in view the directions of this Court and as such, these orders are non-speaking and against the spirit of the Tribunal's directions. He stated that respondents have stated in the impugned orders that the Fifth Central Pay Commission (CPC) had examined all aspects of the matter in great detail, though the Fifth CPC had not done so

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and the Tribunal had also observed that the Fifth CPC had neither examined the matter in detail nor had it considered the issues of intra-departmental relativities, qualifications, duties and responsibilities etc. He further pointed out that without providing any details respondents have mentioned in the impugned orders that the Cipher Staff of Zonal Railways perform more intensive, voluminous and arduous duties than the Cipher Staff in the Secretariat. It has again been wrongly mentioned that the Fifth CPC had considered this aspect also. The contentions raised on behalf of the learned counsel of applicants could not be contradicted on behalf of the respondents. The learned counsel of the respondents agreed that respondents would pass fresh orders keeping in view the directions of this Tribunal contained in orders dated 20.7.2001 and 19.8.2002.

4. In result, this OA is disposed of quashing respondents' order Annexure A-1 dated 22.11.2002 directing them to pass fresh orders in compliance of the Tribunal's aforesaid orders, particularly keeping in view the observations made in paragraph 11 and 12 of order dated 20.7.2001 in OA No.2230/2000. These orders shall be passed by the respondents within a period of one month from the date of communication of these orders. No costs.

S. Raju
(Shanker Raju)
Member (J)

/as/

V. K. Majotra
(V. K. Majotra)
Vice-Chairman (A)
13.8.04