

43

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION Nos.662/2019, 663/2019,
664/2019, 665/2019 & 666/2019

Date of Decision: 10th October, 2019

CORAM: R. VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Shri Aziz Khan Pathan, Age 62
 years, retired as Senior Passenger
 Guard while working under Station
 Superintendent, Nandurbar,
 Maharashtra State, C/o Sr.DOB-
 Mumbai Central & residing at Patel
 Wadi, Plot No.311, Korit Road,
 Near Vitthal Mandir, Nandurbar,
 Maharashtra – 425 412. ... *Applicant in OA No.662/2019*

Shri Noor Mohammad H. Shaik
 Age 61 years, retired as Seni
 Goods Guard, residing at 73,
 Nila Row House,
 National Plaza, Ne Petrol Pump,
 Unn Patiya, Surat Gujrat
 - 394 210. ... *Applicant in OA No.663/2019*

Shri Mohd. Sharif Ishaq, Age 57
 years, working as Senior Goods
 Guard, residing at Patel Wadi,
 38 B, Near Vitthal Mandir,
 Nandurbar, Maharashtra – 425 412 ... *Applicant in OA No.664/2019*

Shri Pradeep R. Mahapralkar,
 Age 60 years, retired as Senior Passenger
 Guard, residing at Angelica Heights,
 A-102, Nallasopara West, Thane,
 401 203, Maharashtra. ... *Applicant in OA No.665/2019*

Shri Nandkishore A. Patil, Age 57
 years, working as Senior Passenger
 Guard, residing at B-303, Kishore
 Kunj 3, Y.K. Nagar, Virar West,
 Thane 401 303, Maharashtra. ... *Applicant in OA No.666/2019*

(By Advocate Shri Sayyad Kamil)

Versus

1. Union of India,
through the General Manager
Western Railway, Headquarters Office,
Churchgate, Mumbai – 400 020.
2. The Divisional Railway Manager
Western Railway,
Mumbai Division, Mumbai Central,
Mumbai – 400 008.
3. The Sr. Divisional Personnel
Officer, Western Railway,
Mumbai Division,
Mumbai Central,
Mumbai – 400 008. *Respondents in all OAs.*

ORDER (ORAL)

Per : Shri R. Vijaykumar, Member (A)

The applicants were issued an order of pay fixation revising their pay from 1995 to 2016 based on various considerations in orders of the respondents dated 30.01.2017 and this was followed by recovery orders commencing from February, 2017 in one case and different dates in three cases including for some cases, recovery from pensionary benefits. The applicants appear to have filed a joint representation to respondents even prior to the pay fixation orders on 21.11.2016 (Annexure A-19 of OA No.662/2019) and this is followed with a further representation as seen in OA No.662/2019 in representation dated 02.05.2017 (Annexure A-

20) and similarly, it is stated, in the other cases. No reply has been received from the respondents, it is submitted.

2. The applicants have varying dates of cause of action and they only approached this Tribunal in a previous OA which had been withdrawn in the first half of this year. It is also manifest that the respondents need to have considered the representation of the applicants and given them detailed orders which could serve the purpose of consideration by this Tribunal to adjudicate the matter. It is also noted that although the applicants have taken varying time with delays to approach this Tribunal, they have also sought interim relief even as there is a need for them to explain the nature of delay involved in each individual case as applicable based on similar orders passed in all the cases for pay fixation in January, 2017.

3. Therefore, while making it clear that this Tribunal has not expressed its views on legal issues and on limitation, the respondents are directed to consider the representations already filed by the

applicants with them and pass reasoned and speaking orders within four weeks from the date of receipt of a certified copy of this order and communicate these orders to each of the applicants within two weeks thereafter.

4. The Original Application is disposed of in the above terms. No costs

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

ma.

*JD
22/10/18*