
(2018) 01 CAT CK 0008

In the Central Administrative Tribunal

Case No : Original Application No. 406 Of 2014

D. M. Nilegaonkar And Ors

APPELLANT

Vs

Union of India And Ors

RESPONDENT

Date of Decision : 09-01-2018

Acts Referred:

Administrative Tribunals Act, 1985 — Section 20

Citation : (2018) 01 CAT CK 0008

Hon'ble Judges : R. Vijay kumar, J;R. N. Singh, J

Bench : Division Bench

Advocate : R. G. Walia, V.S. Masurkar

Final Decision : Disposed off

Judgement

1. 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.