

LIST OF CASES DISPOSED DURING THE MONTH March 2024										
Branch:		Personnel						Division:	Secunderabad	
Month: MARCH 24										
Sl. No.	SLP/WP/OA/OS No.	Name of Court	Name of the petitioner / Applicant	Name of all Respondents	RA Name & Cell No.	Date of judgement	Direction of court	In favour / against Railways	Action taken	Remarks
1	WP.44974 /2018	HC	P.V.L.N.Rao	GM, Sr.DPO, CMS/CKL, Sr.DCM, Registrar/ CAT	Ch.Lakshmi Kumari/ L.Pranathi Reddy, Cell: 99480 33118, 77086 12412	22.02.2024	<p><i>“Despite listing the matter under the caption ‘for dismissal’, there is no representation on behalf of the petitioner. In view of the same, this Court has no other option except to dismiss the Writ Petition for default or non-prosecution. Accordingly, the Writ Petition is dismissed for default. There shall be no order as to costs. Miscellaneous Applications, if any, pending in this Writ Petition, shall stand closed”.</i></p>	favour	Closed	

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2	WP.42931 /2015	HC	Devamitra, S/O. Shivappa	UOI by GM/SCR, CPO/SCR,Sr.DP O/SC, Sr.DFM/SC	Shri. VIVEK CHANDRA SEKHAR/ P.DEVENDER 93464 55593	15.02.2024	<p><i>“ This Court, having considered the rival submissions made by the respective parties, is of the considered view that the petitioner has never challenged the downgrading of his pay- 4 scale vide proceedings dated 10.10.2007 while he was in service. Therefore, the Tribunal was justified in partly allowing the O.A. by following the law laid down by the Hon’ble Supreme Court and directing the respondents not to recover the amount from the pensionary benefits of the petitioner. Therefore, this Court is not inclined to interfere with the order passed by the Tribunal. Accordingly,the Writ Petition is dismissed. There shall be no order as to costs. As a sequel, miscellaneous applications pending, if any, shall stand closed”.</i></p>	favour	Closed	

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3	529/2022	CAT/HYB	Mourya Murali, Ch.Comml.Su pr	UOI Rep GM, Sr.DPO/SC, Sr.DCM/SC	D.Satyaveer	23.02.2024	<i>“It is to be noted that, on bare perusal of the record, the said amount has been recovered since the applicant was imposed with the penalty way back in the year 1999. The applicant though challenged the said penalty in the departmental division and the same order has been confirmed, if at all the applicant is aggrieved, he has to come before this Tribunal. However, somehow the authorities, in their error, have not imposed a penalty, which does not mean that the applicant is eligible and entitled to the said erroneous payment. Therefore, in my considered view, the applicant’s case is not covered under Rafiq Masih; the respondents have justified in implementing their penalty and thereby recovered the amount during his service period. Hence, the applicant is not eligible and entitled to any relief as prayed for in the O.A.Accordingly, the O.A. is dismissed. No order as to costs.”.</i>	favour	Closed	

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4	673/2021	CAT	Akhilesh Kumar, ALP(MDC)	DRM/SC, Sr.DPO/SC, CWM/LGD	N.Srinatha Rao/ MEGHA RANI AGARWAL	13.03.2024	<i>“The learned counsel for the applicant has submitted that the applicant would like to withdraw the OA and sought permission of this Tribunal for the same. Permission accorded. In view of this, the O.A.is dismissed as withdrawn. There shall be no order as to costs.”</i>	favour	Closed	

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5	OA 519/2023	CAT	Mohd. Aziz Khan	GM, PCPO/SCR DRM/P, Sr.DEE, DPO/SC	A.Nageshwar Rao	05.02.2024	<p><i>“It is to be noted that when issue involved in the matter is squarely covered and as seen from the above the Hon’ble Supreme Court has considered the said issue at length in the matter of Munshi Ram and same has been followed by the Co-ordinate Benches also considered the similar prayer and extended the benefit. We do not find any force in the submission of the learned counsel for the respondents. In view of the same, the respondents are directed to consider the pending representations of the applicant followed with the same observation, referred above and extend the same benefit by counting his 50% service, which was rendered as Commission Vender in the Railway service towards the pensionary benefit, with a period of three months’ from the date of receipt of a copy of the order. No order as to costs”.</i></p>	against Railways	Under Process	Communicated to Engg. Cadre on 06.03.2024 for further processing.

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6	647/2022	CAT/HYB	K Vijay Kumar & 236 Ors	GM, DRM/SC, Sr.DEE/SC, SSE/AC/ AC Coaching/Escorting	B.Gayatri Varma	02.02.2024	Therefore, in my considered view, issue involved in the matter is no more res-integra and squarely covered by order. In so far it is concerned with the details which has not been submitted by the employees, the learned counsel for the applicants is directed to instruct the applicants to submit their details in appropriate form after collecting the data from the available sources within two weeks from the date of receipt of a copy of the order to the competent authority among the respondents and the respondents are directed to consider the claim of the applicants for payment of OTA in accordance with the orders passed by the Tribunal and implemented by them, within three months thereafter. The O.A. is disposed of. No order as to costs".	against Railways	Under Process	Waiting for representations

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7	OA 130/2024	CAT	A S Srikanth & Others	GM/SCR, DRM, Sr.DEE & SSE/SC and SSE/HYB	D Laxminaraya Rao	23.02.2024	<p><i>“In view of the submissions made by the parties, the applicants are at liberty to submit their individual comprehensive, detailed representation, placing reliance on the said Judgement to the competent authority amongst the respondents, within a period of two weeks from the date of receipt of the order. The respondents are directed to consider the applicants’ claim in light of the said Judgements relied upon by the applicants, consider their claim and pass a reasoned and speaking order if the applicants are eligible for the said benefit, within a period of three months thereafter. It is also made clear that the direction issued by this Tribunal will not extend the period of limitation. Accordingly, the OA is disposed of. No order as to costs”.</i></p>	against Railways	Under Process	Waiting for representations

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8	OA 129/2024	CAT	A Narayana & Others	GM/SCR, DRM, Sr.DEE & SSE/SC and SSE/HYB	N Parmeshwar Reddy	23.02.2024	<p><i>“In view of the submissions made by the parties, the applicants are at liberty to submit their individual comprehensive, detailed representation, placing reliance on the said Judgement to the competent authority amongst the respondents, within a period of two weeks from the date of receipt of the order. The respondents are directed to consider the applicants’ claim in light of the said Judgements relied upon by the applicants, consider their claim and pass a reasoned and speaking order if the applicants are eligible for the said benefit, within a period of three months thereafter. It is also made clear that the direction issued by this Tribunal will not extend the period of limitation. Accordingly, the OA is disposed</i></p>	against Railways	Under Process	Waiting for representations

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9	OA 215/2023	CAT/HYB	N.Gouraiiah Retd. SLI	UOI Rep by Sec. RB , GM , PCPO, Sr DPO/SC	Megha Rani Agarwal	29.02.2024	<i>"It is to be noted that there is an anomaly while fixing the pay while granting either normal increment or an additional increment as opted by the employees. Therefore, the issue involved in the matter is no more res-integra and is squarely covered by the judgment of the Hon'ble Supreme Court in the case "Union of India & Others Vs. C.R.Madhava Murthy & Anr.(2022) 6 SCC 183". In view of the above, the respondents are directed to step up the pay of the applicants on par with his junior w.e.f. 21.01.2011 in the cadre of Chief Loco Inspector. The said exercise shall be carried out within a period of three months from the date of receipt of this order.The OA is allowed. Thre shall be no order to costs".</i>	against Railways	Under Process	Communicated to Rng. Cadre on 15.03.2024 for further processing

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10	OA 301/2023	CAT	S Ravinder & 2 Others	GM, PCPO & DRM	P Narayana	09.02.2024	<p><i>“The respondents are directed to consider the pending representations of the applicant followed with the observations referred above and extend the same benefit by counting his 50% service, which was rendered as Commission Venders in the Railway services, towards the pensionary benefit, within a period of three months’ from the date of receipt of a copy of the order. No order to costs”.</i></p>	against Railways	Under Process	<p><i>Communicated to Comml. Cadre on 19.03.2024 for further processing.</i></p>

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11	OA 302/2023	CAT	P.Ellaiah & 2 Others	GM, PCPO & DRM	B Siva Sankar	13.02.2024	<i>"In view of the same, the respondents are directed to consider the pending representations of the applicants followed with the observations referred above and extend the same benefit by counting their 50% service, which was rendered as Commission Vendors in the Railway services, towards the pensionary benefit, within a period of three months' from the date of receipt of a copy of the order. No order as to costs".</i>	against Railways	Under Process	<i>Communicated to S&T. Cadre on 19.03.2024 for further processing.</i>

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12	746/2022	CAT/HYB	B Komaraiah & 108 Ors, Retd.ACCA & ACCM	GM, DRM, Sr.DEE/SC, SSE/AC/SC	K.Ravi krishna Kanth	02.02.2024	<i>"In my considered view, issue involved in the matter is no more res-integra and squarely covered by order. In so far it is concerned with the details which have not been submitted by the employees, the learned counsel for the applicants is directed to instruct the applicants to submit their details in appropriate form after collecting the data from the available sources with two weeks from the date of receipt of copy of the order to the competent authority among the respondents and the respondents are directed to consider the claim of the applicants for payment of OTA in accordance with orders passed by this Tribunal and implemented by them, within three months thereafter. The O.A. is disposed of. No order as to costs".</i>	against Railways	Under Process	Waiting for representations

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13	OA 649/2023	CAT	N. Rajaiah	GM, PCPO/SCR DRM, Sr. DEE/ M Sr.DPO/SCR	V Venu Madhava Swamy	05.02.2024	<i>“The respondents are directed to consider the pending representations of the applicant followed with the observations referred above and extend the same benefit by counting his 50% service, which was rendered as Commission Bearer in the Railway services, towards the pensionary benefit, within a period of three months’ from the date of receipt of a copy of the order. No order to costs”.</i>	against Railways	Under Process	Waiting for representations

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14	OA 25/2024	CAT	M Laxman	GM, PCPO/SCR, DRM, Sr.DPO/SCR	G Raghunath	19.02.2024	<i>The respondents are directed to consider the representations of the applicant dated 10.07.2023, 22.11.2023 and 20.12.2023 and dispose of the same for grant of one Notional Increment as on 01.07.2021 as per the policy decision taken by te Government of India, followed with the Hon'ble Supreme Court and the Hon'ble Delhi High Court Judgement, with a period of four months thereafter. Accordingly, the O.A. is disposed of. No order as to costs".</i>	against Railways	Under Process	Railway Board vide letter dated 10.07.2023 given instructions to Zonal Railways for filing M.A. For extension of time which is being filed within Target date.

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15	OA 103/2024	CAT	Md. Ghouse Pasha	GM, PCPO/SCR DRM & Sr.DPO/SC	K.Ravi krishna Kanth	19.02.2024	<i>The respondents are directed to consider the representations of the applicant dated 10.07.2023, 22.11.2023 and 20.12.2023 and dispose of the same for grant of one Notional Increment as on 01.07.2021 as per the policy decision taken by te Government of India, followed with the Hon'ble Supreme Court and the Hon'ble Delhi High Court Judgement, with a period of four months thereafter. Accordingly, the O.A. is disposed of. No order as to costs".</i>	against Railways	Under Process	Railway Board vide letter dated 10.07.2023 given instructions to Zonal Railways for filing M.A. For extension of time which is being filed within Target date.