

04.07.2025
(D/L-8)
Ct. No.4
(B.K.N.)

W.P.C.T. 310 of 2024
With
CAN 1 of 2025

Union of India & Ors.
Vs.
Utpal Pandit & Ors.

Mr. Swapan Kumar Nandi,
Mr. Ashok Bhowmick,
Mr. Amal Kumar Dutta

...for the Petitioners

Mr. Ujjal Ray,
Mr. Ashok Chakraborty,
Mr. Sk. Abdur Rahim

...for the Respondents

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. The petitioners are Loco Inspectors who were being granted a 30 per cent enhancement of their last pay drawn. They claimed an enhancement of 55 per cent, claiming parity with the Loco Drivers. The Tribunal has considered the claim of the applicants therein.
3. The consideration in this regard is to be found in paragraphs 6.1 to 6.3 of the order passed by the Tribunal which reads as follows:

“6.1. Although several judgments of different Co-ordinate Benches on the issue are available, we quote below the relevant extract of the judgment passed by the Principal Bench in **OA no. 118 of 2006** in **Vinod Kumar Saxena vs. UOI & Ors.** decided on 24.08.2006.

“.....

21. Accordingly, for the foregoing reasons, applicant cannot be denied the add on component of running allowance to the tune of 55% or 75% with consequent fixation of pay

and upward revision in the retiral benefits and payment thereof. Being similarly circumstanced with the petitioners before the Apex Court in G.C. Ghosh (supra), applicants before the Calcutta Bench in A. Amroll's case (supra) as well as akin to Krishan Lall's case (supra), applicant is also entitled to the same relief. Respondents are accordingly directed to refix the pay of applicant and enhance his pension and other retiral benefits by adding on 55% or 75% of the basic pay being pay element in running allowance as granted to loco running staff from the date of retirement with all arrears, within a period of three months from the date of receipt of a copy of this order. The OA is allowed accordingly. No costs."

The ratio laid down by the Principal Bench has been upheld by the Hon'ble Apex Court by dismissing the **CA nos. 3110/2016 (Union of India & Ors. vs Kishan Lall Sharma & ors.)** plus 9 other tagged Civil Appeals/ SLPs vide order dated 22.02.2023.

We are bound by the judgment of the Co-ordinate Bench as well as our own judgment on identical issue.

6.2. It is not disputed that the applicants are similarly circumstanced as the Loco Inspectors who have been extended the benefit of fixation of pension on the basis of enhancement of their last pay by 55%.

6.3. Hon'ble Supreme Court in **State of Karnataka & Ors. vs. C. Lalitha** reported in **Appeal (Civil) No. 919 of 2002** and decided on 31.01.2006, has held as under :-

"Service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person has approached the Court that would not mean that persons similarly situated should be treated differently."

4. The Tribunal has relied upon the judgments passed in respect of the same matter wherein the issue regarding grant of parity in the matter of fixation of last pay drawn of Loco Inspectors with Drivers and

Loco Pilots was considered, and decided in favour of the Loco Inspectors.

5. We, therefore, find that there is no infirmity in the order passed by the Tribunal.
6. Learned counsel for the respondents submits that another writ petition was filed assailing the order passed in identical circumstances in the case of ***Union of India & Ors. -Vs.- Subodh Kumar Barhma & Ors.*** in ***W.P.C.T. No. 2 of 2025*** wherein this Court has been pleased to uphold the order passed by the Tribunal in the same terms.
7. The said order has been implemented in the case of those applicants, still the respondents have filed the present writ petition reagitating the same issue which stands settled as apparent from the order passed in W.P.C.T. No. 2 of 2025 also. Copy of the order is kept on record.
8. The fact that the order has been implemented in the case of those writ petitioners is also not in dispute in the present proceedings.
9. In the circumstances the writ petition is liable to be dismissed.
10. We order accordingly.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)