

12.02.2025
(D/L-5)
Ct. No.4
(B.K.N.)

W.P.C.T. 2 of 2025

Union of India & Ors.
Vs.
Subodh Kumar Brahma & Ors.

Mr. Uday Sankar Bhattacharya,
Mr. Proteek Debnath
...for the Petitioners

Mr. Jagadish Ranjan Das
...for the Respondents

1. Heard learned counsel for the petitioners as well as the learned counsel for the respondents.
2. The respondents are Loco Inspectors. They were claiming that their last pay drawn should be enhanced by 55 per cent, maintaining parity with drivers and loco pilots. They had approached the Central Administrative Tribunal, Kolkata Bench for grant of such relief and for grant of consequential relief such as refixation of their pension and consequential payments with interest. The Tribunal has allowed the Original Application in the following terms:

“6. Having determined that the applicants are identically placed as compared to the applicants in OA no. 118 of 2006 decided by the Principal Bench of CAT on 24.08.2006, we direct the respondents to refix the pension of the applicants by enhancing the pay drawn by them by 55% in line with the above quoted judgment of the Principal Bench of CAT and pay the arrears of the consequential benefits accruing as a result of such refixation,

within a period of 04 (four) months from the date of receipt of a certified copy of this order.”

3. The learned counsel for the railways does not dispute the fact that the order passed by the Tribunal is relying upon various pronouncements in this regard directing parity of Loco Inspectors with drivers and loco pilots.
4. He, however, has submitted that in respect of certain such claimants a judgment passed by the High Court of Delhi was taken up in appeal by these authorities before the Apex Court wherein the Apex Court has been pleased to grant a stay. In this connection reliance is placed on the order dated 18th March, 2016 passed in one S.L.P filed against some review orders passed by the High Court at Delhi. The order relied upon is passed in S.L.P (Civil) No. 4758 of 2016 (Annexure R/1 to the Original Application). In their averments made before the Tribunal in their reply, as well as in the present writ petition the writ petitioner has not made any assertion as to what was the issue decided by the Tribunal, or the High Court at Delhi, which was stayed by the Apex Court.
5. The Tribunal has proceeded to consider that the specific issue regarding grant of parity to the Loco Inspectors, with Drivers and Loco Pilots has been

settled by several judgments by different coordinate Benches of the Tribunal. Considering a judgment in this regard by the Principal Bench in O.A. 118 of 2006, which was affirmed by the Apex Court by dismissal of the Civil Appeal No. 3110 of 2016 in the case of Union of India and Ors. –Vs.– Kishan Lall Sharma & Ors.) alongwith nine other tagged civil appeals, the Tribunal has allowed the claim of the applicants.

6. The consideration in this regard is to be found in paragraphs 5.1 to 5.3. of the order passed by the Tribunal which reads as follows:

“5.1. 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 on identical issue.

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

5.3. 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.””

7. Since 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.
8. We, therefore, find that there is no infirmity in the order passed by the Tribunal.
9. The writ petition is accordingly dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)