

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.202/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 11th day of October, 2000

Shri Inder Pal
s/o late Shri Chajju Ram
r/o 124/10, Railway Colony
Sarai Rohilla
Delhi - 110 007. Applicant

(By Shri Surinder Singh, Advocate)

Vs.

1. Union of India through
General Manager
Northern Railway Head Quarters
Baroda House
New Delhi - 110 001.
2. The Divisional Railway Manager
State Entry Road
New Delhi - 110 001.
3. Senior Station Manager
Delhi Junction
Delhi.
4. Dy. Supdt. Incharge
Railway Telegraph Office
Delhi Junction
Delhi. Respondents

(By Shri D.S.Jagotra, Advocate)

O R D E R (Oral)

By Shri Govindan S. Tampi, Member(A):

The application is for getting the pay and allowances of the higher post, that the applicant says, was holding.

2. The applicant who was appointed on 14.9.1979, as Tele Peon in Northern Railway in the revised grade of Rs.2650-3550 claims that he had been saddled with the duties and responsibilities of Senior Signaller Grade-II in the pay scale of Rs.4000-6000 w.e.f. 5.8.1998 and also assigned the higher duties and responsibilities as Asstt. Signaller Clerk in the

Telegraph Department of the Railways. This post is also equal to the post of Asstt. Booking Clerk. However he was continued to be paid salary of the Tele Peon which was his substantive post. The plea of the applicant strongly urged by his counsel, Sh. Surinder Singh is for grant of pay and allowances which is attached to the grade of Assistant Signaller Clerk/Assistant Booking Clerk, as he had been performing the functions and as his case is clearly covered by FR 49(1). It is also stated by the applicant that after he has filed this OA on 27.1.1999, the higher responsibilities have been terminated.

3. On behalf of the respondents, it is argued by Shri Jagotra, learned counsel that the applicant had never been appointed as Assistant Booking Clerk or Assistant Signaller Clerk and therefore his plea for higher pay of higher post was not justified.

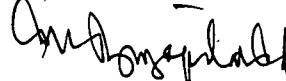
4. We have carefully considered the matter. The applicant does not deny that he was posted as Tele Peon in the lower grade of Rs.2650-3550 but he says that he has been asked to perform the duties of Senior Signaller Clerk/Assistant Booking Clerk which are in the higher grade. He has also produced the photocopy of extract of the diary and charge book which shows that he has been performing the duties of the Assistant Booking Clerk on a few days. This is a question of fact. If it is seen on perusal of the records that he had been directed to look after the higher, even if he was not formally appointed, and he had actually performed duties, he will be entitled for

(9)

remuneration in the higher grade for that period. In view of the above circumstances, we feel, justice would be met, that after examination of the records, if it is seen that he had performed the duties and responsibilities of the higher post, he should be paid appropriates.

5. In view of this the application partly succeeds and the Respondent No.2 is directed to have the matter examined from records and if the applicant is found to have been directed to perform the higher duties and responsibilities and he has so performed he should be paid the higher amounts in accordance with the rules for that period. This should be done within three months from the date of receipt of a copy of this order. No costs.


(GOVINDAN S. TAMPI)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/