

Central Administrative Tribunal
Principal Bench

O.A. 2010/98

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New Delhi this the 3rd day of April, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

1. Jagdamba Prasad son of Shri Ram Anand,
2. Ramhit son of Shri Jagdhar,
3. Lalta Prasad son of Shri Motilal,
4. Mewalal son of Shri Vishram,
5. Shyam Sunder son of Shri Hubalal,
6. Baichan son of Shri Chaterdhari,
7. Kailash Ram son of Shri Dubbarram,
8. Gopinath son of Kali Charan,
9. Shyamlal soon of Shri Raj Narain,
10. Ram Lal son of Chignu,
11. Chainu son of Chhota,
12. Narsingh son of Shri Raimal,
13. Kunwarpal son of Shri Tugal,
14. Bhani son of Shri Swaroopa,
15. Shiv Kumar son of Singaru, and
16. Sukhpal Singh son of Shri Manphool.

(All working as Gangmen under the
Chief Administrative Officer (Construction),
Northern Railway, Headquarters Office,
Delhi-6).

... Applicants.

None present.

Versus

Union of India through,

1. The Chairman,
Railway Board,
The Principal Secretary,
Government of India,
Ministry of Railways,
Rail Bhawan, New Delhi.
2. The General Railway,
Northern Railway, Baroda House,
New Delhi.

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3. The Chief Administrative Officer
(Construction),
Northern Railway,
Headquarters Office,
Kashmiri Gate, Delhi-6. ... Respondents.

None present.

O R D E R ((ORAL))

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicants, sixteen in number, have filed this Original Application on 22.9.1998 stating that it has not been filed against any particular order rejecting their claims but against the inaction of the respondents in not releasing the difference of arrears of monthly salary and travelling allowance for the period from 15.10.1996 to 28.11.1997.

2. The applicants had filed an earlier O.A. 1991/91 which was disposed of by order dated 6.1.1992. The respondents had filed SLP No. 6728/92 against this order which was disposed of by the Hon'ble Supreme Court by order dated 8.4.1992. Thereafter, the applicants had filed CP 160/95 before the Supreme Court which was dismissed on 23.1.1995. Another CP 213/95 was filed before the Tribunal which was dismissed on 8.11.1996. A third CP 290/96 was also dismissed by the Tribunal vide order dated 25.9.1997. The operative portions of the relief and orders have been reproduced by the applicants in the O.A.

3. The applicants have submitted that after the aforesaid Contempt Petitions were dismissed, the respondents had sent them to Pali Marwar. The main claim raised in this O.A. is that a direction may be given to the respondents to release the difference of monthly salary/wages and travelling

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allowance for the period from 15.10.1996 to 28.11.1997 during which period, the applicants claim that they had discharged their duties physically under the control of the respondents at Delhi at various places, for example, at Jind, Tughlakabad, West Patel Nagar and Delhi Kishan Ganj. The applicants have also filed MA 604/2000 to place on record two documents (Annexures A-6 and A-7). In the letter dated 29.11.1997 issued by PWI (C)/RTNR to the Deputy CE (C) 1, Northern Railway, Jodhpur, it is stated, inter alia, that Shri Jagdamba Parshad, P.- way mate along with his gang, have reported to this office, asking the Jodhpur Office to arrange for their bonus as per their records. Notice on Miscellaneous Application had been issued to the respondents but, however, no reply has been filed to that MA.

4. The respondents, in their reply, have taken various preliminary objections, including that the Principal Bench of the Tribunal does not have the jurisdiction, as the applicants are working at Jodhpur and, therefore, their claims come within the jurisdiction of the Jodhpur Bench. They have also submitted that the applicants did not work during the period from 15.10.1996 to 28.11.1997 and they are, therefore, not entitled to any wages and travelling allowance for the said period. According to them, the orders of Respondent 3 to shift the applicants to Jind were revised on 24.10.1996 and they were asked to join duty at Jodhpur, which they refused. When the matter was reported to Respondent 3, he finally took a decision on 30.10.1996 that the applicants should be taken back on duty at Jodhpur. The respondents have stated that again this letter was refused by the applicants, who had filed CP 290/96 in OA 1991/91. In the circumstances, the respondents have contended that the

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applicants did not work during the period from 15.10.1996 to 28.11.1997, for which period they have filed this O.A. claiming monthly salary/wages and travelling allowance with interest.

5. In the rejoinder, the applicants have reiterated their averments in the O.A. and have stated that as a matter of fact, the claim pertains to the period of their working at various stations of New Delhi area where they were retained by the orders of Respondent 3, i.e. the Chief Administrative Officer (Construction), Northern Railway Headquarters Office, Kashmiri Gate, Delhi.

6. The applicants have also annexed Annexures A-2 and A-3 to support their averments that they had worked at Tughlakabad where they joined duties on 9.10.1996. According to them, they worked there till 14.11.1996 as the Muster Roll has been duly signed and verified by the concerned officer (A-3). From the letter dated 29.11.1997 (Annexure A-6), it is also seen that the office of PWI(C)/RTNR has informed the Jodhpur Office that Shri Jagdamba Parshad, P.way mate along with his gang has reported for duty in that office, who have been "issued duty pass No.834871 dated 29.11.97 to resume duty under your control". Therefore, the applicants have contended that during the intervening period till 14.11.1996 they have been working in the office of PWI(C)/RTNR and thereafter sent to the Jodhpur Office under the Dy. CE (C-I) there. As mentioned above, the respondents have not filed reply to MA 604/2000.

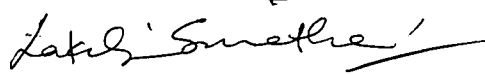
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7. The applicants have submitted that in spite of their making several representations to the respondents to make the due payments to them for the period from 15.10.1996 to 28.11.1996, for which period they have claimed that they have worked in Delhi area, they have not received any reply.

8. In view of the above facts and circumstances of the case and averments made by the applicants that they have, in fact, worked in various stations in the Delhi Area during the said period, the preliminary objection of territorial jurisdiction of the Principal Bench of the Tribunal is rejected. It is also relevant to note that the same applicants had filed earlier O.A.1991/91, which was disposed of by the Tribunal's order dated 16.1.1992.

9. In the facts and circumstances of the case, the application is disposed of with a direction to the respondents to consider the representations made by the applicants (Annexures A-4 and A-5) and dispose of the matter, taking into account the other documents filed by the applicants, namely, Annexures A-2, A-3, A-6 and A-7. They shall do so within a period of three months from the date of receipt of a copy of this order and shall pass a reasoned and detailed speaking order in case the claims of the applicants are rejected with intimation to them. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'