

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

O.A. No.362/98

(18)

New Delhi this the 23rd day of October,2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

Nathu Ram Chaudhury
S/o Shri Hira Lal
at present working as
Junior Engineer (Electrical) Grade II,
Electric Loco Shed,
Western Railway, Tuglakabad,
New Delhi.

-Applicant

(By Advocate: Shri K.K. Patel)

Versus

1. Union of India
through the General Manager,
Western Railway,
Church Gate, Mumbai.
2. Divisional Railway Manager,
Western Railway, Kota.
3. Senior Divisional Electrical Engineer,
(Power) Western Railway,
Kota.
4. Senior Division Engineers
Traction Rolling Stock,
Electric Loco Shed,
Western Railway,
Tuglakabad, New Delhi.

-Respondents

(By Advocate: Shri P.S. Mahendru)

ORDER (Oral)

Smt. Lakshmi Swaminathan, Member (J)

The applicant is aggrieved that although he has been asked to look-after the post of Senior Section Engineer (SSE) in addition to the post he was holding substantively as Electric General Supervisor in the Loco Shed Tuglakabad from 30.1.91, he has not been paid any additional pay or allowances for performing duties assigned to the posts. He has submitted that in addition to performing duties of Section Engineer, he was also performing duties of

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the Railway Residential Colony and Machinery in the loco shed from 30.1.91 till date. This OA has been filed on 4.2.98.

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2. The applicant's representation had been disposed of by the respondents' letter dated 4.8.97 which has been impugned in this OA. Shri K.K. Patel, learned counsel has submitted that in accordance with the respondents joint note of duty list of power staff placed at Annexure-3, separate duties are assigned to the two posts mentioned above i.e. Section Engineer and Senior Section Engineer. The applicant had made a number of representations in this regard for posting a separate Supervisor for Colony maintenance and Section Enginner for loco shed. This has been turned down by the respondents that taking into account modern technology and other relevant factors they were required to reduce the number of staff rather than increase the number of staff. Shri K.K. Patel has submitted that against Annexure A-1 order impugned in this OA, the applicant had submitted in his application/appeal dated 21.10.97 to the respondents for upgradation of the post of JEE(P)/TKD. He has further clarified that the respondents have now also posted a Section Engineer for the additional work at Tuglakabad Loco Shed. He has submitted that the main claim of the applicant in this case is that for the period that the applicant was performing duties of Section Engineer in the grade of Rs. 2000-3200 for more than 7 years, he should be paid either the higher pay or

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some special allowances for having performed dual duties at the Electric Loco Shed and Residential Colony at Tuglakabad.

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3. The respondents in their reply have stated, inter alia that there is only one sanctioned post in general service in the Electric Shed Tughlakabad in the grade of Rs. 1400-2300 (RP), and the applicant was working and performing his duties in the said post. They have also denied that he has performed higher duties. The main contention of the respondents is that the staff strength of one unit cannot be compared with the staff strength of another unit and, therefore, the applicant's representation has been correctly replied by their letter dated 4.8.97.

4. However, from the facts, it appears that during the relevant period from 30.1.91, the applicant had been discharging dual functions of Section Engineer as well as looking after the residential colony in Electric Loco Shed at Tuglakabad. These facts are again reflected by the applicant in his appeal dated 21.10.97. This will be for the respondents to consider and verify from their records whether the applicant in fact worked in a higher post and performed duties of the Section Engineer which was in a higher grade, for which he shall be entitled to be paid at least additional allowances as a special pay in accordance with the Rules. Shri K.K. Patel, learned counsel has

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submitted that the applicant does not press for regularisation in the post in the higher grade but only claims that he should be paid some special pay for having discharged dual duties and functions for the relevant period.

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5. In the facts and circumstances of the case, the OA is disposed of with the direction to the respondents to consider the applicant's appeal dated 21.10.97, subject to the observations made above, within a period of three months from the date of receipt of a copy of this order. They shall do so by a reasoned and speaking order and grant the applicant all consequential benefits in accordance with rules and regulations. No order as to costs.

Majotra
(V.K. Majotra)
Member (A)

Lakshmi
(Smt. Lakshmi Swaminathan)
Member (J)

cc.