

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2052/97
M.A.No.2004/97

(9)

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

New Delhi, this the 7th day of August, 2000

Shri Bishan Das
Permanent Way Inspector (Constrn.)
Northern Railway
Najibabad. Applicant
(By Shri B.S.Mainee, Advocate)

Vs.

Union of India through

1. The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Chief Administrative Officer
(Construction)
Northern Railway
Kashmere Gate
Delhi.
3. The Deputy Chief Engineer (Constrn.)
Northern Railway
Lucknow.
4. The F.A. & C.A.O. (Constrn.)
Northern Railway
Kashmere Gate
Delhi. Respondents
(By Shri O.P.Kshatriya, Advocate)

O R D E R (Oral)

By Justice Rajagopala Reddy:

The applicant has been working as Permanent Way Inspector Grade-III in the pay scale of Rs.1600-2660. As the incumbent in the post of PWI Gr.I was placed under suspension, it was down graded from PWI Gr.I to Gr.II and the applicant was posted to function in the said post. Accordingly, the applicant has been working their as PWI Gr.II. In the impugned orders the respondents had denied the officiating pay in the post of PWI Gr.II. Hence the OA.

2. The respondents raised two preliminary objections, i.e., (1) territorial jurisdiction and (2) Limitation. It is also pleaded that as the functions

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of PWI Gr.II being the same as that of PWI Gr.III, the applicant was not entitled for any officiating allowance.

3. We have given carefully consideration to the contentions. It is not in dispute that the applicant had been working in the down graded post of PWI-I to PWI-II. Hence the applicant is entitled to the officiating allowances. In fact, it is seen that the applicant had been performing the functions of PWI Gr.I as the said post has been down graded to PWI Gr.II. However, as the applicant has prayed for only the officiating allowance of PWI Gr.II, there can be no objection for payment of the same.

4. The question of jurisdiction cannot be sustained as the impugned order was passed by the authority who is at Delhi. The question of limitation is also equally unsustainable as the impugned order is passed in 1996 and the OA is filed in 1997.

5. The respondents are therefore directed to pay the difference of pay and allowances of the post of PWI Gr.III and PWI Gr.II to the applicant within a period of three months from the date of receipt of a copy of this order.

6. The OA is accordingly allowed; with costs of Rs.1000/-.

/RAO/

(GOVINDAN S. TAMPI)
MEMBER(A)

Om Prakash
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)