

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 1003/97

New Delhi this the 16th day of October 1997

Hon'ble Shri N.Sahu, Member (A)

Ajudi Lal  
S/o Shri Chanda Lal  
R/o c/o Shri Munna Lal,  
Qrtr.No.18/A, Block No.C-3,  
Keshav Puram, Lawrence Road,  
Delhi-35.

....Applicant.

(By Advocate Shri M.L. Sharma)

Versus

Union of India through

1. General Manager,  
Northern Railway,  
Hd.Qrtr.Office, Baroda House,  
New Delhi.
2. FA & CAO,  
Northern Railway,  
Hd.Qrtr.Office, Baroda House,  
New Delhi.
3. C.S.T.E.,  
Northern Railway,  
Hd.Qrtr.Office, Baroda House,  
New Delhi.
4. C. W.M.,  
Northern Railway Signal Shop,  
Ghaziabad.

.....Respondents

(By Advocate: Shri R.L.Dhawan)

ORDER(Oral)

By Hon'ble Shri N. Sahu, Member (A)

The applicant is aggrieved by impugned order No.96-WAO/GZB/Time Office dated 10.2.97 rejecting his claim for dual charge allowance. The applicant was posted as a Office Superintendent in the Time Office on 22.11.94 in the place of Shri Gopal Singh, retiring on 30.11.94. After the retirement of Shri Gopal Singh O.S. Grade-II the duties of Time Booth Clerk Gr.950-1500 was performed by the applicant in addition to his own duties. Shri Gopal Singh was drawing dual allowances w.e.f. 18.6.94. After his

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retirement, the applicant performed all his duties. It is also admitted that nobody was posted as Booth Clerk and the post remained vacant during the period from 1.12.94 to 31.12.95 till the date of retirement of the applicant. .

(b)

2. The respondents contend that Shri Gopal Singh was getting dual charge allowance w.e.f. 18.6.94 for holding additional charge of the post of Booth Clerk in addition to his own duties but there was no such order passed authorising the applicant. Even in Gopal Singh's case dual charge allowance was allowed only for the first 6 months. The matter was reviewed and this allowance was discontinued as inadmissible as the conditions required for the grant were not satisfied.

3. Learned counsel for the respondents has drawn my attention to Rule 648(c) of I.R.E.M. Vol.I. This rule prescribed 3 conditions as under:

(i) There should be essentiality certificate recorded by the Controlling Officer to the effect that it is absolutely essential to make dual charge arrangements.

(ii) A certificate was also to be issued that two posts covered under the dual charge arrangement was independent of each other.

(iii) Sanction of the concerned FA&CAO must also be part of proceedings.

4. Learned counsel for the respondents states that the job of an Office Superintendent being Supervisory in character, it covers within its ambit also functions of

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the Booth Clerk and these two posts are not independent of each other. The post of booth clerk was in the same office of the applicant. As Booth Clerk in the scale of Rs. 950-1500 drew much lower than that of office superintendent, such a sanction was incongruous and the audit rightly pointed out the anomaly.



5. Learned counsel for the applicant states that his representation for dual charge allowance dated 1.7.95 was recommended certifying that he looked after the work of Time Office Clerk in addition to his own duties. The Chief Workshop Manager recommended his case and forwarded the same to the Chief Communication Engineer. The latter authority, the Controlling authority, accorded the sanction "for the grant of Dual Charge Allowance vide P.P. No. 48 case No. SSE/P/54 which is available in the office of CWN/GZB", Para-2 Annexure-8. After the approval the payment was withheld on the ground that certain rules were not complied with. Shri Dhawan has submitted that the allowance was wrongly allowed in the case of Shri Gopal Singh. The same wrong need not be perpetuated in another case. For this purpose he cited the decision of Chief Commissioner Vs. Aitti Puri - AIR 1973(Delhi)148.

6. Learned counsel for the applicant further submits that the actual working in Dual charge as a successor to Shri Gopal singh was admitted. He was asked to take over the duty from Shri Gopal singh. Annexure A-4 is the handing over note dated 29.11.94. The items of handing over and taking over pertain to that of the Booth clerk i.e (a) local purchase register (b) Tally sheet register (c) planning and production register etc.

*Para 5 only*

8

7. Learned counsel for the applicant cited the decision of the Principal Bench in OA-1145/92 decided on 16.4.93 in the case of shri Bhagwan Das Vs. UOI wherein the applicant was allowed to take dual charge for a period of 8 months and 5 days and dual charge allowance for a period of 6 months ~~was~~ given but beyond the period of 6th month his claim was refused under rule 13.37 of IREM Vol.II- ATJ 1993(2)207 This Principal Bench held at para-9 that when the rules provide that the competent authority may appoint the Railway Servant already holding the post in substantive or officiating capacity to officiate in any other separate post at one time, his pay shall be regularised in the manner indicated therein. Thus the rules did not fix the time limit during which period the employee may be directed to hold another charge. Accordingly this bench allowed the dual charge allowance for the full period.

8. I have carefully considered the rival submissions. The impugned order only talks of the claim beyond the six month period which expired on 31.11.94 and over and above that citing rule 648 further dual charge allowance would not be payable. The facts are that the applicant was asked to take over the charge from shri Gopal Singh besides his own and was asked to look after the job of Booth clerk. There is no statement anywhere in the counter that the applicant did not perform the job of Booth clerk. What all has been emphasised was that no separate order of discharging the additional responsibility order was issued to the applicant. Annexure A-4 clearly shows that the Booth registers mentioned above alongwith other tools and items of stationery were handed over to the

Karashimby

9

applicant. Nobody was posted as Booth clerk during the period. In this background there was no denial that the applicant was actually holding the job of the Booth Clerk in addition to his duties of Office Superintendent. The only question is whether in such a situation dual charge allowance could be allowed to the applicant or not. In Gopal singh's case the same was allowed. In the applicant's case also the competent authority approved the claim. With regard to compliance with the rules, namely whether both the jobs are independent of each other; whether such a charge is absolutely essential or not, it is not the function of this court to decide but by the competent authority to satisfy itself about the same. The pleadings clearly show that the competent authority accorded the sanction to the applicant presumably after satisfying itself that the conditions were satisfied. These sanction orders were not annulled or countermanded by the Railway Board. Whether these conditions are fulfilled or not, it was only open to the competent authority in F.No.SSE/P/54 to review his own orders if such a course is available to him in law. The only reply given to the applicant was that beyond the period of 6 months as in shri Gopal Singh's case, no dual charge allowance is permissible. In view of this Bench decision cited supra that the period of 6 months cannot be said to be a valid limitation, in view of Rule 1337 IREC Vol.II., I, direct that in accordance with the orders of the competent authority which has approved the claim of dual charge allowance, payment of the said allowance shall be made to the applicant for the period from 1.1.95 to 31.12.95 within a period of 8 weeks from the date of receipt of a copy of

*Ansant*

10

U this order. Claim of interest is inadmissible in the circumstances of the case. Consequential benefits on retirement may be considered in accordance with law.

9. O.A. is disposed of as above. No costs.

*N. Sahu*  
(N. SAHU)  
MEMBER(A)

RB.