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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 2652 of 1993

New Delhi this the 26th day of April, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.K. Singh, Member

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Personnel Officer,
Northern Railway,
State Entry Road,
New Delhi.

...Applicants

By Advocate Shri H.K. Gangwani

Versus

1. Balram
S/o Shri Sindhi Ram
Guard-C,
Ghaziabad Railway Station,
Delhi Division,
Northern Railway.
2. The Presiding Officer,
Central Government Labour Court,
Ansal Bhavan,
11th Floor,
Connaught Place,
K.G. Road,
New Delhi.
3. Assistant Collector,
Old Civil Supplies Building,
Tis Hazari,
Delhi.
4. Regional Labour Commissioner,
2-E/3, B Block, Curzon Road Barracks,
K.G. Marg,
New Delhi-110001.

...Respondents

None for the respondents

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

In the proceedings initiated by Balram, the respondent No.1 to this O.A. (hereinafter referred to as workman) under Section 33 C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) claiming a sum of Rs.8819.45p as running allowance. The Labour Court concerned by its order dated 05.06.1992 accepted the application and directed the respondents to pay the said sum to him (workman).

2. The Labour Court had relied upon a Circular
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of the Railway Board dated 17.07.1981. This circular primarily dealt with the payment to be made to the coal pilots of Eastern and South Eastern Railways. In paragraph (ii) of the circular it is clearly stated that the orders contained in sub-para (i) will also be applicable in the case of loco and traffic running staff in Delhi area. It is not in dispute that the workman was, at the relevant time, employed at the Delhi area.

3. The Labour Court had also placed reliance upon a letter dated 06.11.1981 addressed by the Divisional Operating Superintendent which states that till such time as the decision regarding the system of computerisation of kilometerage of trains of running staff is finalised, the kilometerage allowance will continue to be verified as per old running allowance rules.

4. Reliance is placed by the learned counsel for the applicant upon an earlier circular of the Railway Board dated 26.10.1979, a true copy of which has been placed before us in the form of Annexure-P4. No doubt in this letter it is stated that payment of running allowance ^{stopped} in the Delhi area and Delhi-Ghaziabad Section should be be.

4A. We may now turn to the circular dated 17.07.1981 upon which reliance has been placed by the Labour Court. A copy of the same has been filed before us in the form of Annexure P-5. This is a copy of the Railway Board letter dated 17.07.1981 addressed to the General Managers of all the Indian Railways. The subject of this letter is recommendations of the Committee on the running allowance and decision thereon. In paragraph 2 of this letter it is stated that the decisions contained in it can take effect from 1.8.1981 unless otherwise indicated. Then come the crucial words, which are extracted: "....These decisions will have the effect of superseding the existing rules and orders wherever contained on the concerned subject to the

extent those rules and orders are repugnant thereto". The specific provision is contained in paragraph 3.18. It is stated therein that in the case of all Pilots, target time for completion of trips should be fixed by each Railways. Thereafter trip allowance should be regulated in the same manner as in the case of Coal Pilots of Eastern and South Eastern Railways and the staff of these Pilots will also be eligible for the bonus payment equivalent to 60 Kms. as in the case of Coal Pilots of Eastern and South Eastern Railway, if they perform the complete trips within the stipulated target time. In sub-rule(ii) of the letter it is stated that the orders contained in sub-para(i) will also be applicable in the case of loco and traffic running staff working in Delhi area.

5. A copy of the letter dated 06.11.1981, however, has not been placed before us for our perusal. We, therefore, record the finding that the Labour Court rightly ignored the contents of P-4, namely, the circular dated 26.10.1979.

6. We have heard the learned counsel for the applicant in support of this application and we have read the order of the Labour Court. We do not find any illegality in the same. Therefore, the applicant is not entitled to relief.

7. The application is dismissed but without any order as to costs.

(B.K. SINGH)
MEMBER (A)

(S.K. DHAON)
VICE CHAIRMAN

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