

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 17th day of September 1996.

Original Application no. 277 of 1996.

Hon'ble Mr. S. Dayal, Administrative Member.

Mahesh Srivastava, S/o Late Shri G.N. Srivastava,
R/o T.2/2, N-"2" Road, Kanpur.

... Applicant

C/A Sri K.C. Sinha, Sri A. Sinha

Versus

1. Union of India, through Chief Engineer Headquarter, Central Command, Lucknow.
2. Chief Engineer, Lucknow Zone, Lucknow.
3. Commander Works Engineer, Air Force Station, Chakeri, Kanpur.
4. Garrison Engineer, E/M, Chakeri Kanpur.
5. MES 450156 R.N. Srivastava, Upper Division Clerk, C/o Commander Works Engineer, Air Force Station, Chakeri, Kanpur.

... Respondents.

C/R Km. Sadhana Srivastava, Sri R.N. Srivastava.

O R D E R

Hon'ble Mr. S. Dayal, Member-A.

Heard Sri A. Srivastava learned counsel for the applicant. His arguement in this case under section 19 of the Administrative Tribunals Act, 1985 are that

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the applicant has not been paid cashier allowance and, therefore, he should be allowed to continue working as cashier till the end of March 1997. Attention is also drawn that the allowance is to be paid at the end of terms of the cashier **and**, ~~therefore~~, till the amount is paid, he should not be disturbed from the post of cashier.

2. Km. Sadhana Srivastava is present for the respondents, She seeks disposal of this case as there is ~~a~~ stay operating.

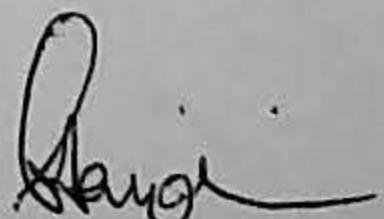
3. I fail to see the logic of the arguement of the learned counsel for the applicant. The applicant has come to the Tribunal seeking the relief of setting aside of order dated 19.02.96 and 07.03.96. The order dated 19.02.96 is for posting of Sri R.N. Srivastava, respondent no. 5 vice the applicant as cashier and the order dated 07.03.96 is for transferring of charge of Sri Mahesh Srivastava to Sri R.N. Srivastava on 11.03.96. The applicant has mentioned in second relief asked for ~~allowed~~ by him that he **should be** to complete normal tenure of the cashier in the office of respondent no. 4 which was from 10.09.95 to 09.09.96. The date of 10.09.95 appears to be incorrect as the applicant was appointed as cashier wide annexure A-2 of the application which is the order dated 07.09.94. Hence the tenure of the applicant was from 10.09.94 to 09.09.96, that is ^a ~~for~~ period of two years. Thus there is no ground for keeping either the interim ~~has~~ stay operating beyond today when this case ~~come~~ up for hearing nor has the applicant come up with the plea that

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he has not been paid allowance as a cashier any where except by way of oral mention of this fact today, during arguement. In any case this will constitute a seperate cause of action and after making a representation to the employer if the applicant does not get what ever is due to him, he can come for relief.

4. Basis of second relief advanced by the learned counsel for the applicant is said to be annexure A-3 which is a letter from office of Chief Engineer Central Command to Chief Engineer, Lucknow Zone, Jabalpur Zone, Bareilly Zone, Dehradoon Zone and Additional Chief Engineer Bamruali. Clause (g) of this letter mentions that amount of Special Pay will be granted depending upon the average amount of monthly cash disbursed during the previous financial year excluding payment of cheques. Learned counsel for the applicant is erring in his stand on this cause. This clause does not mention that the applicant will be paid cashier allowance only at the end of the year/at the end of this tenure. As a matter of fact clause K of the same letter gives a rate of monthly special pay for performance of the work of cashier's post based on average monthly cash disbursed. Hence there is no justification of keeping this application live as it has become infructious due to expiry of the period for which the applicant himself had claimed his continuance as cashier. The application is, therefore, dismissed as having become infructious. It is clarified that no interim order exists henceforth.

5. No order as to costs.


Member-A

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