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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 31ST DAY OF AUGUST, 2000

Original Application No.443 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.M.P.SINGH, MEMBER(A)

Hridaya Narain Mishra, son of Sri Prabhu
Nath mishra, r/o Village Baswahi
Pure Ojha, Post Kunda, district Pratapgarh.

... Applicant

(By Adv: Shri Satish Dwivedi, Shri Anil Dwivedi)

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad.

(By Adv: Shri A.C.Mishra)

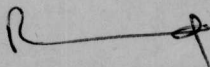
O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

This application u/s 19 of the A.T.Act,1985 has been filed for a direction to the respondents to pay officiating allowance to the applicant for serving as Deputy Chief Yard Master during the period 4.9.1986 to 31.7.1991. This claim of the applicant has been rejected by the Railways by order dated 25.9.1995 which reads as under:-

"With reference to his claim for payment of officiating allowance a representation dated 19.6.1995, Shri H.N.Mishra may be informed that he was not Seniormost Yard Master at G.M.C at that time/period, therefore the claim for payment of officiating allowance cannot be accepted as per rules."

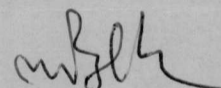
In his representation dated 6.11.1995 the applicant has admitted that Shri A.G.Khan Yard Master was senior to him. However, it has been stated that he was not found fit for giving officiating charge of Deputy Chief Yard Master. The arguments have been made before us by the learned counsel for the applicant on the same lines. However, we

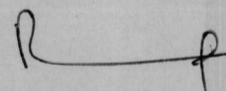


are not convinced with the submissions of the learned counsel for the reason that applicant has failed to produce any order on the basis of which he officiated as Deputy Chief Yard Master. Such order ^{was} necessary in the circumstances of the case as there was a senior Yard Master available to officiate on the post. The normal rule is that in such officiating chance senior is given chance first. There is total absence of any order ^{superceding} the claim of Mr.A.G.Khan who was admittedly senior to the applicant and also an order in favour of the applicant to officiate on the said post. The service rendered on the basis of oral instructions in the circumstances has rightly not been accepted for granting officiating allowance.

It is also noticeable that applicant retired from service on 31.10.1995. He filed representation claiming officiating allowance for the period 4.9.1986 to 31.7.1991 ^{only} a few months before his retirement. The application in this Tribunal has been filed on 10.4.1996. The applicant ^{has} ~~has~~ thus, also found guilty of latches. Such a claim ought to have been raised immediately in 1991 itself but it appears that it was deliberately not then raised.

The application has no merit and is accordingly rejected. No order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 31st August, 2000

Uv/