

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 19th day of AUGUST 2004.

Original Application no. 1331 of 1997.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mr. S.C. Chaube, Administrative Member

R.N. Banerjee, S/o Late B.C. Banerjee,
Retired Additional Registrar,
Railway Claims Tribunal, Gorakhpur.
Residence of 646, Krishna Nagar Colony (Civil),
Basharatpur, Gorakhpur.

... Applicant

By Adv : Sri S.K. Om
Sri A.S. Lal
Sri G.M. Tripathi

V E R S U S

1. Union of India through the General Manager,
North Eastern Railway,
Gorakhpur.
2. General Manager, N.E. Rly.,
Gorakhpur.
3. Chief Personnel Officer,
N.E. Railway,
Gorakhpur.

... Respondents

By Adv : Sri G.P. Agarwal

O R D E R

Hon'ble Mr. Justice S.R. Singh, VC

Heard Sri S.K. Om learned counsel for the applicant
and Sri G.P. Agarwal learned counsel for the respondents.

2. The applicant herein was posted as Registrar
at Railway Claims Tribunal, Gorakhpur vide order dated
23.10.1989 from which post he was superannuated on 30.11.1994.

QFV

... 2/-

2.

The present OA has been filed for issuance of direction to the respondents to pay him deputation allowance @ 10% on his basic pay in the pay scale of Rs. 3700-5000 from June 1993 to November 1994. The second relief claimed is in respect of benefit under 'next below rule' from 02.12.1991 to 20.01.1993 i.e. from the date Sri B.L. Chaudhary, junior to the applicant has been promoted as Junior Administrative Officer in the pay scale of Rs. 3700-5000 from 21.01.1993 to April 1993. Certain other reliefs including fixation of pay in the scale of Rs. 3700-5000 on the basis of monthly emoluments of Rs. 5000/- have also been claimed.

3. The relief regarding deputation allowance claimed by the applicant has been opposed by the respondents on the ground that deputation allowance is not payable for the reasons that on posting in the Railway Claim Tribunal, an officer is treated as Railway employee and no deputation allowance is payable. In this regard a circular dated 25.5.1993 (Ann CA1) is relied upon. The validity of the said circular is not under challenge. Accordingly, in view of the said circular the applicant is not entitled for deputation allowance @ 10% as claimed by him.

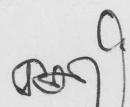
4. Regarding the benefit under 'next below rule' from 01.11.1991 to 20.03.1993, suffice is to say that the relief is not only barred by time, but the applicant is not entitled to the relief even in accordance with rule as the applicant does not fulfil the pre-requisite conditions stipulated under rule. Learned counsel for the applicant has not been able to satisfy the Tribunal that the applicant

fulfils the pre-requisite conditions so as to enable the Tribunal to direct the respondents to grant the benefit under the 'next below rule' as claimed by the applicant. The other reliefs i.e. DCRG, gratuity etc, have admittedly, been given to the applicant.

5. The learned counsel for the applicant, Sri S.K. Om, then submitted that though the deputation allowance is not payable w.e.f. 25.5.1993, the applicant is entitled to 'Productivity Link Bonus' as per circular dated 25.05.1993. Necessary foundation for this relief has not been made in the Original Application. Neither there is any allegation in this regard nor there is any specific prayer for grant of 'Productivity Link Bonus'. In the circumstances it is not possible for us to consider applicant's request for grant of 'Productivity Link Bonus' for the first time during the course of arguments. However, it may be observed that, if so advised, the applicant may stake his claim for 'Productivity Link Bonus' by means of representation before the Competent Authority. In case such representation is filed in this regard the Competent Authority shall take appropriate decision in the matter in accordance with law, if possible within a period of six months from the date of receipt of copy of this order.

6. Subject to the above the O.A. is disposed of with no order as to costs.


Member-A


Vice-Chairman