

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.227 OF 1997
ALLAHABAD THIS THE 28TH DAY OF NOVEMBER,2003

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR. D. R. TIWARI, MEMBER-A

Kanhaiya Lal,
son of Sri Ram Narain,
Principal, Railway Higher Secondary School,
Bareilly resident of Quarter No.T-22,
N. Rly H.S.S. Campus, Bareilly.Applicant

(By Advocate Shri R.D. Agrawal)

Versus

1. Union of India,
through the General Manager,
Northern Railway,
Head Quarters Office,
Baroda House,
New Delhi.

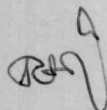
2. Divisional Railway Manager,
Northern Railway,
Moradabad.Respondents

(By Advocate Shri A.V. Srivastava)

ORDER

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

The applicant ~~is~~ a Trained Graduate Teacher employed under the respondents was asked to shoulder the responsibilities of the Head of Institution vide order dated 31.08.1994 (Annexure A-1) which reads as under:-



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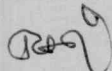
विषय : दिनांक 31-8-94 को सेवानिवृत्ति पर कार्यवाहक प्रधानाचार्य का कार्यभार संभालने हेतु आदेश ।

उपरोक्त विषय में आपको सूचित किया जाता है कि कार्यवाहक प्रधानाचार्य का चार्ज श्री कन्हैया लाल बरिष्ठतम अध्यापक बरेली को देने की कृपा करें ।

श्री कन्हैया लाल नियमानुसार प्रधानाचार्य की नियुक्ति के समय तक जो कि प्रधान कार्यालय से होनी है । अस्थाई एवं तदर्थ आँधार पर लगाया जाता है । प्रधान कार्यालय से नियुक्ति आदेश प्राप्त होने पर उनकी नियमानुसार समस्त चार्ज देय होगा । इसे सक्षम अधिकारी का अनुमोदन प्राप्त है ।

2. It is not disputed that the applicant worked and discharged the duties of Principal pursuant to his adhoc/temporary appointment as aforesaid. The question that arises for consideration is whether the applicant is entitled to the salary admissible to the post of Principal for the period during which he worked as adhoc Principal. In Mewa Ram Versus State of Haryana reported in 1995(3)SCT 311 it has been held that a person is entitled to the higher emoluments for discharging the duties and responsibility of a higher post. In the counter reply filed on behalf of the respondents it is conceded that the applicant being the Senior most teacher was asked to shoulder the responsibilities of the post of Principal of the Railway Higher Secondary School, Bareilly which is governed by the provisions contained in the U.P. Intermediate Education Act, 1921. In view of the above law and the law laid down in Narbadeshwar Pandey Versus The DIOS, 1982 UPLBEC 171 and Dhaneshwar Singh Chauhan Versus The DIOS, 1980 UPLBEC 286. We are of the view that the applicant is entitled to salary and allowances admissible to the post of Principal for the period he worked and discharged the duties of the said post.

3. The application is accordingly allowed. The respondents are directed to pay salary and allowances to the applicant admissible to the post of Principal for the period he worked and discharged the duties of Principal in the institution after



deducting the salary and allowances of LT grade already paid to him. There shall be no order as to costs.

D. S. Rao
Member-A

R. S. Rao
Vice-Chairman

/Neelam/