

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 29th day of April 2002.

Original Application no. 31 of 1998.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. Rafiq Uddin, Judicial Member

Panch Bahadur, S/o Sri Durga Bahadur,
at present Assistant Station Master, Manzoorigarhi,
Post Chhairath, Distt. Aligarh.

... Applicant

By Adv : Sri K.N. Kathiyar

Versus

1. Union of India through General Manager, Northern Railway, Head Quarter Office, Baroda House, New Delhi.
2. Divisional Railway Manager, N. Rly., Allahabad.
3. Senior Divisional Operating Manager, N. Rly., Allahabad.
4. Senior Divisional Personnel Officer, N. Rly., Allahabad.

... Respondents

By Adv : Sri A. Sthalekar

O R D E R

Hon'ble Mr. S. Dayal, Member (A).

This OA has been filed seeking direction to the respondents to fix the pay of the applicant in the scale of Rs. 2000-3200 as he officiated as Station Supdt. Jhinhak from 18.5.1995 to 18.7.1997 with consequential benefits.

2. The applicant claims that he was working as senior most Assistant Station Master when Sri K.C. Srivastava, officiating Station Master, Jhinhak was transferred from

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that station and the applicant was asked to take over the charge of the post of Station Master, Jhinhak. The applicant had taken over charge of all material plants, stores, tickets, parcel, stationary, operation and safety records pertaining to supervisory duties assigned to the post of Station Superintendent, Jhinhak. He claims to have worked upto 17.8.1997 when Sri Pooran Chand was appointed on the post of Station Supdt. and he made over charge to Sri Pooran Chand. The applicant was ordered in writing by Traffic Inspector, N. Rly., Kanpur to take charge of Station Master, Jhinhak with immediate effect by order dated 11.7.1995 (Ann A-3). The applicant claimed officiating pay for shouldering responsibilities/duties of higher post in grade of Rs. 2000-3200 and his claim was forwarded after certification by Assistant Operating Supdt. Tundla. He claimed that his pay should have been fixed at the stage next above the pay notionally arrived by increasing his pay in respect of the lower post by one increment at the stage such pay has accrued interms of Rule 1316 (FR 22C) of Indian Railways Establishment Code (IREC) Vol. II.

3. We have heard Sri K.N. Kathiyar, learned ~~counsel~~ for the applicant and Sri A. Sthalekar, learned ~~counsel~~ for the respondents.

4. The provision of Para 1316 (FR 22 C) of IREC Vol II are extricated below in so far as that relates to ~~below~~ group 'A':-

"1316 (FR 22 C) (1) Notwithstanding anything contained in these rules where a railway servant holding a post in substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or, officiating capacity to another post carrying duties

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and responsibilities of grater importance than those attaching to the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the apy notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued:"

5. We find that the representation of the applicant dated 19.4.1997 was rejected by letter dated 19.5.1997 by the Division Railway Manager (DRM) Allahabad by stating that he was not entitled to officiating allowance because he was/performing most of the work of Station Master of supervisory nature but was only performing the work of train passing.

6. We have seen order dated 11.7.1995 which clearly requires the applicant to take charge of Station Master, Jhinhak and has also been mentioned that the order has the approval of DOM/P/ALD. The proposal sent by the Station supdt. for grant of officiating allowance in the grade of Rs. 2000-3200 shows that the applicant had been performing the work of higher grade from 18.7.1995 for which officiating allowance has been recommended by Assistant Operating Manager Tundla, after certification of Traffic Inspector ^{can be} that the work of the applicant was satisfactory. The applicant having worked for 2 years on the said post is clearly entitled to the benefit of para 1316 of IREC Vol II as he clearly said to be holding the post in temporary or officiating capacity as per provision of the said paragraph.

7. We, therefore, direct the respondents to fix the pay of the applicant in the scale of Rs. 2000-3200 in accordance with provision of para 1316 of IREC Vol II within a period of 3 months from the date of receipt of copy of this order.

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for the period the applicant worked for the post of Station Master/Station Supdt. Jhinjhak. The arrears shall be paid to the applicant within 2 months, thereafter.

8. The cost of the application shall be paid to the applicant which is quantified as Rs. 650/-.

Ratnadev
Member (J)

W
Member (A)

/pc/