

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 27th day of July, 2001.

Original Application No. 26 of 2001.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Maj Gen KK Srivastava, A.M.

1. SC Verma S/o Late Sh. Gulab Chandra,
2. P.B. Sinha S/o Sh. K.B. Sinha.
3. K.N. Chaudhary S/o Sh. R.R. Chaudhary
4. S.K. Kulshrestha S/o Sh. Jawala Prashad Kulshrestha
5. D.P. Singh S/o Sh. B.P. Singh,

All presently working as Deputy Chief Controller,
Northern Railway, Tundla Under Divisional Traffic
Manager, Northern Railway, Tundla.

(Sri A. Rajendra, Advocate)

..... Applicant

versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway,
D.R.M. Office, Allahabad.
3. The Divisional Personnel Officer, Northern Railway,
D.R.M. Office, Allahabad.

(Sri Prashant Mathur, Advocate)

..... Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicants Sri SC Verma, Sri PB Singh, Sri KN Chaudhary, Sri SK Kulshrestha and Sri DP Singh have a grievance that while they were holding post of A.S.M. they were detailed to work as Section Controller, but when they claimed allowances for the post, they officiated, it was not allowed to them. Therefore, they came up

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before the Tribunal in OA No.138/1998 which was decided on 01-5-2000 with the direction to respondent no.3 to decide the pending representation of the applicants of that OA, who are the applicants in the present OA also. The representation of the applicant has been decided vide order dated 30-10-2000, a copy of which has been annexed as Annexure-A-1 and their claim has been turned down. Impugning this order they have come up again seeking the relief to the effect that this order dated 30-10-2000 be quashed and respondents be directed to pay officiating allowance to the applicant since the date of their joining as Section Controller.

2. As per applicants' case, they were recruited as Assistant Station Master and joined on the post on different dates in between 1980 to 1982 in the pay scale of Rs.1200-2040. The applicants were detailed as ad hoc Section Controller w.e.f. 21-4-1988, 30-12-1987, 18-6-1987, 13-12-1987 and 25-2-1990 respectively. This post carries a grade of Rs.1400-2600. The applicant worked as such till 15-9-1997. The applicants claim officiating allowance for the period they worked in the grade of Rs.1400-2600, but the same was not allowed, Therefore, they have to enter into litigation and have come up seeking the relief as above.

3. The respondents have contested the case, filed counter reply and supported the grounds taken in the impugned order dated 30-10-2000 through which the claim of the applicant has been declined. It has also been pleaded that the post of Section Controller is promotional post through due selection by Departmental Selection Committee and until and unless one has come through this selection process, he cannot be detailed to work as Section Controller.

4. Heard for sometime Sri Ajay Rajendra, counsel for the applicant and Sri Prashant Mathur, counsel for the

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respondents.

5. The whole controversy in the matter revolves around Annexure-A-1 through which the claim of the applicants has been refused on several grounds. The first is that the applicants have preferred the claim after lapse of 10 years and, therefore, their claim is not maintainable. We are of the view that the limitation does not apply to such departmental issues and the applicants preferred their claim when they were no more in ad hoc position of this post of Section Controller. We cannot ignore the fact that the applicants did not keep silent in between and preferred representations also and the outcome of which is the impugned order.

6. The claim of the applicant has also been refused on the ground that their services were utilised as Section Controller without any approval from the competent authority. For this position the person who deployed them ^{as such} ~~afresh~~ is to be blamed and not the applicants to suffer for that.

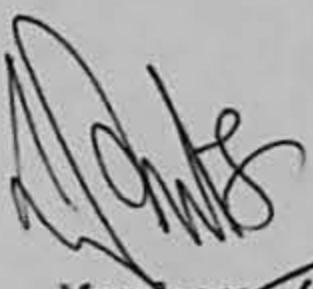
7. The next point is that the ad hoc deployment on the post of Section Controller should have been in accordance with seniority position which has not been followed in the case of applicant and their deployment is not in accordance with the prescribed rules and procedure. We are of the view that this position was also beyond the control of the applicants and they simply carried the order passed by their superiors. Perhaps they did not question it to keep themselves within the limits of discipline.

8. The forth point is also regarding belated claim which has already been covered while we were dealing with Ground No.1 of this impugned order. The last ground mentioned in this Annexure-A-1 is that the claim is not in

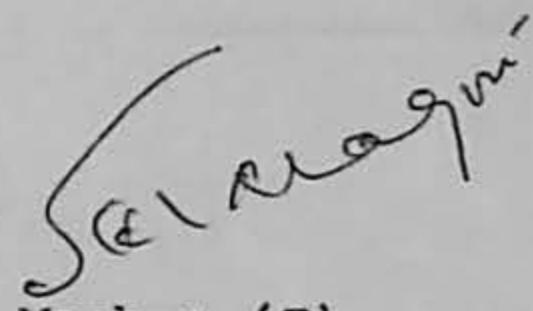
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conformity with the rules and instructions issued from time to time, but there is no specific mention as to what rules and instructions have been infringed and what directions were to be followed to claim the officiating allowance.

8. For the above, we are not in a position to sustain the impugned order which is quashed accordingly. The applicants are held to be entitled to get officiating allowance for the period they have worked as Section Controller in officiating capacity due to ad hoc arrangement. The ~~finances~~ ^{payment} be settled within three months from the date of presentation of a copy of this order and thereafter the applicant will be entitled to interest @ 12% per annum. The OA is disposed of accordingly with no order as to costs.



Member (A)



Member (J)

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