

RESERVED
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated this the ^{15th}.....day of Dec..... 2009.

CORAM:

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

Original Application No. 1554 of 2005
 (U/s 19 of the Administrative Tribunals Act 1985)

D.P. Shukla, S/o Sri. R.B. Shukla,
 Resident of Railway Quarter No.69,
 8th Avenue, Nawab Yusuf Road,
 Allahabad. . . Applicant

By Adv: Sri M.K. Upadhyay

V E R S U S

1. Union of India through the General Manager,
 North Central Railway, Allahabad.
 2. The Divisional Mechanical Engineer (Power),
 North Central Railway,
 Allahabad Division, Allahabad.
 3. The Divisional Personnel Officer,
 North Central Railway, Allahabad Division,
 Allahabad.
- ... Respondents

By Adv: Sri A.K. Pandey

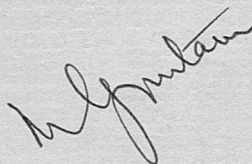
ORDER

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

The applicant was initially appointed on the post of
 Chargeman in the year 1983. On 6.9.1995 he was declared
 successful in the screening test held for the post of Instructor
 Diesel Mechanical and he was appointed on the above post vide

Manjulika

order dated 14.9.1995. In the appointment order it has been clearly mentioned that one post of Instructor Mechanical Grade at Rs.2000-3200 of Diesel Shed/MGS (Mughal Serai) is transferred to Allahabad Loco Shed and Shri D.P. Shukla, Sr. Chargeman is posted against this post at Loco Shed Allahabad. Since then the applicant has been working on the said post and has been imparting training to Diesel Assistants and other staff. The case of the applicant is that as per Railway Board's circular dated 22.9.1995 (Annexure A-8) he is entitled to Training Allowance of 15% of the pay alongwith other similarly situated Railway Personnel. The applicant made several oral requests as well as representations dated 4.7.1997, 4.8.2000, 1.9.2000 and 21.4.2001. On getting no response, he filed O.A. 419/2001 before this Tribunal and vide order dated 18.4.2001, this Tribunal disposed of the same with a direction to the respondents to decide the pending representation of the applicant within three months from the date of communication of the order. It is also stated that in case the relief sought by the applicant is not granted, a detailed and reasoned speaking order be passed within a period which may be fixed by the Hon'ble Court. The applicant thereon, made representation dated 28.7.2001 which was rejected vide order dated 19.7.2001 on the ground that the Training Allowance was only permissible for 23 Training Centres and that there is no training centre in Diesel/Loco Shed Allahabad. Aggrieved by this the



applicant filed another O.A.638/2002 for quashing of the order dated 19.7.2001. This O.A. was decided vide order dated 8.12.2004 with the direction to the respondents to reconsider the claim of the applicant and pass a reasoned and speaking order within a period of three months from the date of receipt of copy of the order. Respondents vide order dated 6.4.2005 rejected the case of the applicant giving the same reason as in the earlier O.A. Aggrieved by this the applicant filed the present O.A. seeking the following main reliefs.:

1. *That the order dated 19.7.2001 passed by Divisional Personnel Officer, Northern Railway, Allahabad (Annexure A-1) and order dated 6.4.2005 passed by Divisional Personnel Officer, North Central Railway, Allahabad (Annexure A-2) may be declared illegal and the same are liable to be quashed.*

2. *That the respondents be directed to pay training allowance to applicant in accordance with the Circular issued by the Railway Board and they be also directed to pay arrears thereof with interest @ 18% per annum.*

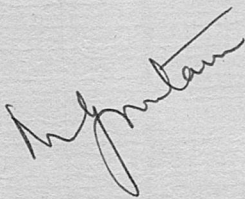
2. Since this is the 3rd round of litigation it is necessary to look into the circulars and rules regarding payment of training allowance. A copy of the circular dated 29.9.1995 regarding payment of 15% training allowance is placed at annexure A-8 of the O.A. A close perusal of the circular will show that the circular pertains to faculty members of training centres and a list of 23 training institutions is given. In para 5 of the circular, the

Signature

guidelines for sanction of training allowance are given, which read as follows:

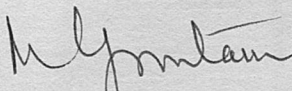
- "a) *Faculty members, both gazetted and non-gazetted, who are drawn on deputation from the field and whose duty is to impart training/education to the trainees may be granted Training Allowance at the rate of 15% of the basic pay in the revised scales of pay.*
- b) *Consequent to the grant of "Training Allowance" as mentioned in para (a) above, the existing training allowance, special pay, deputation pay and allowances thereon will not be admissible to the faculty members drawn on deputation to these training centres/schools.*
- c) *Faculty members recruited directly and specifically for the training institutions are not eligible for this "Training Allowance".*
- d) *Faculty means "an employee" of the Government who joins a training institute meant for training Government officials as a faculty member and whose work is to impart training/teaching. This will also include the Principals of those training institutes.*
- e) *Staff, whether on deputation from the field or transferred or locally recruited, who are not directly engaged in imparting training/education will not be eligible for the "Training Allowance."*

3. The case of the applicant is that his claim for entitlement of training allowance of 15% is based on two facts: 1st that he is imparting training, and; the 2nd that the post on which he is working has been transferred from Mughal Serai, which is a Training Centre to Loco Shed/Allahabad, which is not a training Centre.



4. A close perusal of the circular issued by the Railway Board shows that 15% Training Allowance is to be given to faculty members who are on deputation to training centres. The fact that a post has been transferred from a training centre to a non-training centre does not entitle the person holding that post to enjoy the entitlements which are permissible in a training centre. Therefore, it is very clear that no case is made out for providing training allowance of 15% to the applicant and that the rejection of his claim for the same has been rightly done by the respondents.

5. O.A. is accordingly dismissed with no costs.


MEMBER(A)

rv