

(P.V.)

CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD.

REGISTRATION T.A.NO. 1251 of 1986
(O.S.No. 99 of 1985
Sohan Singh. vs. Union of India and others

Hon.Justice Shri S.Zaheer Hasan, Vice Chairman.

Suit No.99 of 1985 filed by Sohan Singh in the court of Munsif City, Saharanpur, has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

Applicant's case is that he was working as Driver under the Loco Foreman with Headquarters at Saharanpur on Dead Engine since 1982. He should have been paid at 16 hours per calander day according to Railway Board's Circular No. E.LL./25-L.G.637 dated 14.4.1977. But according to the order of the D.M.E. dated 26.12.1981 he was not paid according to the Board's Circular referred to above. Hence the suit with a prayer that the respondents be directed to give effect to the Board's Circular referred to above and the order of the D.M.E. in violation of the aforesaid Circular of the Board is illegal.

The defence is that the application was paid according to rules and the Board's Circular was only clarified.

The only point argued before me is whether the Board's Circular dated 14.4.1977 referred to above

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should be followed or not. The respondents have failed to show that the Circular of the Board dated 14.4.1977 was changed or modified etc. and so it was not being followed.

In the circumstances, the respondents are directed to make necessary calculation and pay the dues of the applicant in terms of the Railway Board's Circular letter NO.E.L.L./25-L.G. 637 dated 14.4.1977 within three months from the date of the receipt of this order. This application (Suit No. 99 of 1985) is disposed of accordingly. Parties are directed to bear their own costs.


VICE CHAIRMAN.

July 24, 1987.
R.Pr./