

8/2/2 6

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 1098/1988

Tulsi Ram

.... Applicant

Versus

Union of India & others

.... Respondents

HON'BLE MR MAHARAJ DIN - MEMBER (J)
HON'BLE MISS USHA SEN - MEMBER (A)

(HON'BLE MR MAHARAJ DIN - J M)

The applicant has filed this application seeking the relief of the directions to the respondents to pay him a sum of Rs. 35,220/- towards the running allowance for the period from 1-12-1984 to 28-2-1987 minus Rs. 4000/- which has already been paid to him ^{at} ~~at a lower rate.~~

2- The relevant facts giving rise to this application are that the correction of the date of birth in the service record of the applicant was allowed by this Tribunal but the applicant has already been retired from the post of driver on 30-11-1984. Since the correction in the date of birth of the applicant has been allowed, therefore, the applicant has claimed running allowance at the then admissible rate of the subsequent period till he was deemed to have ^{been} ~~being~~ in service.

3- We have heard the learned counsel for the parties and perused the record.

And

4- This is not disputed that the correction of date of birth in the service record of the applicant was allowed and the date of birth in the service record of the applicant was accordingly corrected. The applicant, though, was made to retire on 30-11-1984 but he was deemed to have continued in service till 28-2-1987. The respondents have paid the salary and other allowances to the applicant of the subsequent period till the applicant was deemed to have continued in service. The only grievance of the applicant at this moment is that the running allowance was paid to him at the rate of 30 percent of the pay whereas he was entitled to get the running allowance at the rate admissible to an employee as on duty. The running ^{allowance} amount at the rate of 30 percent was paid to the applicant treating him as he was on leave whereas the respondents in the counter reply has said that the applicant is entitled to get the running allowance treating the subsequent period as on duty. Since the respondents have expressed their willingness to pay difference, so there remains nothing to be decided in the case.

5- In view of the discussion made above, the application of the applicant is partly allowed with the directions to the respondents to pay the running allowance to the applicant

[Signature]

A-2
X

:-3:-

as per admissible rate from 01-12-1984 to 28-02-1987 treating him to be on duty. This exercise be complied with within a period of four months from the date of communication of this order. There will be no order as to costs.

Ushu
MEMBER -A

Ushu
MEMBER -J

DATED: Allahabad 11th February, 1994.

(IS PS)
