

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

A2  
1

O.A. No: 741

of 1989

T.A. No:

of 199

DATE OF DECISION: 20.5.93

Chhatarpal

PETITIONER.

ADVOCATE FOR THE  
PETITIONER

V E R S U S

Union of India

RESPONDENTS

ADVOCATES FOR THE  
RESPONDENTS

\*\*\*\*\*

CORAM:-

The Hon'ble Mr. MAHARAJDIN MEMBER-3

The Hon'ble Mr. \_\_\_\_\_

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether to be circulated to all other Benches?

No

                      
SIGNATURE

JAYANTI/

112  
11

(5)

THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 741 of 1989

Chhatarpal .. .. applicant

versus

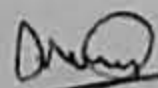
Union of India and others .. respondents

\*

HON'BLE MR MAHARAJDIN, MEMBER-J

This is an application under Section 19 of the Administrative Tribunal Act 1985 for setting aside the order dated 03 08 89 (Annexure A-5) and prayed to issue directions to respondents to pay the allowance from 19 03 86 to 01 07 87.

The applicant was appointed as Extra Departmental Runner ( E D R ) Managarhi (Bajna) on 18 07 66. A notice was issued on 19 03 86 for retirement of the applicant on attaining 65 years, the age of superannuation. The applicant filed an appeal against the said order which was rejected on 26 08 86. The applicant preferred review petition which was allowed and the applicant was allowed to continue till attaining the age of 65 years and the period of absence was directed to be treated as spent on duty without allowance. In view of the aforesaid order passed in review petition the applicant was directed to be reinstated. The





6

P2  
3

applicant was absent from duty from 19 03 86 to 01 07 87, and thus the applicant has claimed allowances for the aforesaid period.

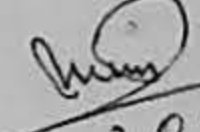
The respondents filed Counter Reply and resisted the claim of the applicant. The applicant made representation claiming the allowance for the period he was absent from duty which was rejected on 04 02 88. He also preferred review petition which was also rejected holding that no allowance is payable for the period of absence. The applicant was appointed as E D R on payment of allowances and he was not getting any pay such as claimed by him. The allowances are payable for the period when duty was performed. No allowance is payable for the period of absence. The applicant has cited the decision of O A No.551/90(T.A.No.209/92) (TL) Ram Daras Bharti versus Union of India and others in which the Extra Departmental Branch Post Master was allowed to get allowances for the period when he was put off from duty. In this case the applicant as a result of departmental enquiry, was found guilty and was removed from service. He preferred departmental appeal which was allowed. The applicant in the said case was unnecessarily dragged on the departmental proceeding and was





12  
4

put off from duty. In the present case the facts are different and the view taken in the said case is not applicable to facts of the present case. The allowances <sup>are paid</sup> ~~or pay~~ on account of duty performed and when no work was taken from the applicant during the period of his absence, he is not entitled to get any allowance whatsoever. Thus there being no merit in the application of the applicant, it is hereby dismissed with no order as to cost.

  
20.5.93  
MEMBER J

Dated: Allahabad  
20.5.93

(VKS PS)