

Open Court

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated, Allahabad, This The 15th Day of March, 2000.

Coram:

Hon'ble Mr. S. Dayal, A.M.  
Hon'ble Mr. S.K.I. Naqvi, J.M.

Original Application No. 25 of 1992.

Mukesh Sharma  
son of Late Sri Gaya Prasad Sharma,  
working as Senior Clerk  
Under Carriage and Wagon Superintendent,  
Northern Railway,  
Aligarh.

... Applicant.

(By Sri Anand Kumar, Adv.)

Versus

1. Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.
2. Divisional Personal Officer, Northern Railway,  
Allahabad.

... Respondents.

(By Sri T.N. Koel, Advocate)  
Sri N.K. Shukla, Advocate)

Order (Open Court)

By Hon'ble Mr. S. Dayal, Member (A.)

This application has been filed for setting aside the order dated 29.8.91 and directing the respondents to pay salary to the applicant from 22.7.88 to 6.9.88 including travelling allowances for the journey undertaken by the

-2-

applicant on duty passes during the period by order dated 29.8.91. The respondents had rejected the representation of the applicant dated 29.8.91 by which he had claimed salary for the period beginning from 22.7.88 to 6.9.88. The ground of rejection was that the applicant had joined on 7.9.88 as a fresh appointee.

2. The applicant has mentioned in his application that he was appointed on compassionate ground as Senior Clerk in the scale of Rs.1220-2040 by order dated 14.6.88. He was sent to take up the post of Senior Clerk under Carriage and Wagon Superintendent, Northern Railway, Aligarh by letter dated 18.7.88. He was given a/pass. He reported to Cariage and Wagon Superintendent, Northern Railway, Aligarh for duty on 22.7.88 but was kept waiting for further orders and he ultimately directed the applicant to report back to Divisional Personnel Officer, Northern Railway, Allahabad for duty. He was given a duty pass to undertake journey from Aligarh to Allahabad. He was again directed by Divisional Personnel Officer Allahabad by 6.9.88 to report to Carriage and Wagon Superintendent, Aligarh for duty and the applicant was allowed to join on 7.9.88. In the back drop of these facts he has claimed salary from 22.7.88 to 6.9.88 as well as travelling allowance for journey undertaken.

3. The arguments of Sri Anand Kumar for the applicant and Sri T.N. Koel for the respondents have been heard. The record of the case has been perused.

-3-

4. The applicant had claimed salary from 14.6.88 on the ground that he had assumed the office of senior clerk at Divisional Head Quarter's office Allahabad from the date of reporting for duty which was 14.6.88. The applicant has also claimed travelling allowances from Allahabad to Aligarh, Aligarh to Allahabad and again from Allahabad to Aligarh. The applicant had claimed that he attended the office of respondents from 14.6.88 to 6.9.88. The applicant in the O.A. had admitted/that he was kept waiting for duty although he attended the office daily and that it was the fault of the respondents that they did not take work of the applicant for which the applicant was not responsible. The applicant had later on filed a supplementary rejoinder and has filed extracts of office attendance register for the months of July, August and September. The applicant has signed the office of Attendance Register of Carriage and Wagon Superintendent, Aligarh from 22.7.88 to 3.8.88. Thereafter the applicant was sent back to Allahabad and was given a duty pass No. 809457 dated 3.8.88 to cover journey.

5. Although there is evidence in the form of Office Attendance Register to show that the applicant had signed for having attended the office on certain dates but there is an ambiguity in his pleadings as he claimed that he was kept waiting for duty which in other words denotes that he performed no work. The learned counsel for the

-4-

that  
respondents has argued/the principle of 'No Work  
No Pay' should be applied to this case.

6. We find from the facts in this case that the applicant was available for performance of duties from 22.7.88 till 3.8.88 and was thereafter sent back and again asked to report at Aligarh on 6.9.88. Therefore the applicant is entitled to compensation, if not a salary, for being made to wait for this period of a month and half and shunted to and fro between Aligarh and Allahabad. We direct the respondents to pay a compensation equal to salary for 45 days to the applicant amounting to Rs.1800/- within a period of two months from the date of communication of this order. The costs <sup>shall</sup> of the application ~~may~~ also be paid to the applicant.

*S. A. Nafees*  
Member (J.)

*S. A. Nafees*  
Member (A.)

Nafees.