

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH) ALLAHABAD .

D.A.N.O. 858 of 1992 D.F 1992

T.A.N.O.

Date of decision: _____

E.R. Railway Mazdoor Union Petitioner

..... Advocate for the petitioner.

Versus

Union of India & others

..... Respondents.

..... Advocates for the Respondent(s)

CORAM :-

The Hon'ble Mr. Justice U.C. Srivastava, V.C.

The Hon'ble Mr. K. Obayya, A.M.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

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

W

Signature

NAQVI/

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Original Application No. 858 of 1992

N.E. Railway Mazdoor Union Applicant
Versus
Union of India & others Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, A.M.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant No. 2 joining the N.E. Railway Mazdoor Union has approached this Tribunal praying that a direction be issued to the respondents to pay Regirdering Allowance to the affected persons with 20% interest.

The ground for claiming ~~such~~ such a relief is that the Railway Board had approved Regirdering Allowance to the non-gazetted staff and non-payment of the same is without any justification, more so when Dy. Chief Engineer Bridge has sanctioned for payment of the same by ~~the~~ order dated 26.10.1975.

2. Various Persons including the applicant No. 2 have claimed allowance for work on Kosi Bridge No. 2 between 1975 to 1982, and the work performed by them is dangerous. The General Manager recommended on 22.3.79 for payment of Regirdering Allowance in his letter to the Railway Board, New Delhi. In the P.N.M. meeting between Union and the Railway administration the Dy. Chief Engineer's letter ~~was~~ ^{was} ~~discussed~~ in terms of Railway Board letter dated 11.6.1963. The Dy. Chief Engineer sanctioned for payment of Regirdering Allowance to the concerned persons w.e.f. 16.5.1975. Despite the said memorandum and the recommendation it was not paid. The Union represented the matter and the matter was again discussed at P.N.M. meeting. As nothing was

done, the applicants have ultimately approached the Tribunal giving the list of affected persons.

3. According to the respondents no Regirdering Allowance is payable as such there is no question of inaction by them. The ~~the~~ claim which is not maintainable is otherwise barred by time. The applicants ~~were~~ stated in the representation that they were entitled for benefit of Regirdering Allowance 1975, but no representation was moved by them before the competent authority before ~~30~~ 30.7.91. Although they ~~the~~ claimed this amount from the year 1975. The letter dated 22.3.79 mentioned in the application is a letter advising Railway Board that the desired information by them would be furnished shortly. The Dy. Chief Engineer advised the Assistant Engineer regarding the status of various items including payment of regirdering allowance for which the staff were agitating. The Assistant Engineer was informed that the Railway Board has been approached for sanction. The Dy. Chief Engineer accorded sanction for payment of Regirdering Allowance in the year 16.5.1975. But the sanction was accorded due to over sight of Board's letter dated 2.1.1969 & 24.10.1972 vide which the Board's letter dated 11.6.196~~2~~ was invalidated and that is why the sanction accorded was illegal and invalid. As the Regirdering Allowance is not valid payable to any staff. Article 23 of the constitution of India has got no applicable.

4. According to the respondents ~~as~~ the memorandum dated 20.6.1975 has been cancelled, the applicants are not entitled to any payment. It was only Railway Board which was to take sympathetic consideration. By the Railway Board's letter dated 2.1.69 the Board decided that the relaying staff engaged on relaying work may be allowed daily allowance under the normal rules for halts at a

particular station, up to 120 days, subject to the provision of Rule 205-RI, para 428-RI as corrected vide correction slip No. 183-RI will accordingly stand deleted vide letter dated 24.10.1972 again also it was decided that the India Railway Establishment Code Volume I may be amended in the advance correction slip 310-RI enclosed. It was only with respect of relaying allowance on the basis of these two documents, it has been stated that whatever ^{u/s} decided in the year 1963 has been given by these two documents.

5. From the facts it is clear that the case of the applicant has not been considered by the respondents who have been agitating the matter. The question of limitation normally will not arise in every case and if there is recurring cause of action it may not. As it is matter which ~~apply~~ should engage the attention of the Department before which the representation filed by the applicant is pending. The respondents are directed to trace out the representation ~~made~~ filed by the applicant and the same may be disposed of within a period of three months from the date of communication of this order. With these observation that this application stands disposed of. No order as to costs.


Member (A)

Allahabad.

Dated : 10/2/93

(g.s.)


Vice-Chairman