

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 670 of 1994

Allahabad this the 3rd day of August 1998

Hon'ble Mr. S.K. Agrawal, Member (J)

1. Chaubey Lal son of Shri Datadeen.
2. Ram Dhani S/o Shri Jhurai.
3. Jagdev S/o Shri Ram Kishore.
4. Ram Bilash S/o Shri Kalika.
5. Sohan Lal S/o Shri Sunder Lal.
6. Ram Chander S/o Shri Moti Lal.
7. Radhey Shyam S/o Shri Bawal.
8. Chandra Bali S/o Shri Raj Narain.
9. Rajendra S/o Shri Pyare Lal.
10. Moti Lal S/o Shri Jagdev.
11. Indra Pal S/o Shri Ram Khelawan.
12. Ramdeo S/o Shri Charai.
13. Shyam Lal S/o Shri Jokhan Lal.
14. Ram Lal S/o Shri Srinath.
15. Pati Raj S/o Shri Jag Bandhan.
16. Dasha Ram S/o Shri Ram Newaj.
17. Bhawar S/o Shri Hub Lal.
18. Ram Lal S/o Shri Ram Kishun.
19. Sita Ram S/o Shri Birju.
20. Tirasu S/o Shri Babu Lal.
21. Khalil S/o Shri Jamil.
22. Brij Lal S/o Shri Ram Kishore.
23. Bhola Nath S/o Shri Srinath.
24. Ram Saran S/o Shri Shambhoo.
25. Nand Lal S/o Shri Mata Deen.
26. Lachhan Dhari S/o Shri Prabhu.
27. Pancham Lal S/o Shri Ganga Ram.
28. Kanhiya Lal S/o Shri Ram Kishore.
29. Krishna Prasad S/o Shri Hinch Lal.
30. Hari Lal S/o Shri Ram Dulare.
31. Girdhari S/o Shri Amrit Lal.
32. Ram Saran S/o Shri Achchavar.
33. Sechan S/o Shri Raghurai.
34. Chhabbi Nath S/o Shri Pitai.
35. Rama Shankar S/o Shri Amar Nath.

36. Mohan Lal s/o Shri Badri Prasad.
37. Jamuna s/o Shri Jagdev.
38. Hari Shanker s/o Shri Chhote Lal.
39. Jwala Prasad s/o Shri Ram Ugraha.
40. Harish Chandra s/o Shri Hem Raj.
41. Sukaru s/o Shri Budhu.
42. Sri Lal s/o Shri Daulat Ram.
43. Hinch Lal s/o Shri Lachhan Dhari.
44. Radhey s/o Shri Mangroo.
45. Chhote Lal s/o Shri Jagannath.
46. Shyam Lal s/o Shri Dukhi.
47. Ramesh Chand s/o Shri Ram.
48. Radhey Shyam s/o Shri Bhav Singh.
49. Ram Ratan s/o Shri Ganga Deen.
50. Megh Singh s/o Shri Umrao.
51. Laloo s/o Shri Ganeshi.
52. Sri Ram s/o Shri Ram Sumit.

(All are working under Permanent Way Inspector,
Northern Railway, Tundla.

Applicants

By Advocate Sri S.S. Sharma .

Versus

1. Union of India owned and represented by Northern Railway, Notice to be served upon the Divisional Railway Manager, Northern Railway, Nawab Yusuf Road, Allahabad.

Respondents.

By Advocate Sri V.K. Goel

ORDER

By Hon'ble Mr. S.K. Agrawal, Member (J)

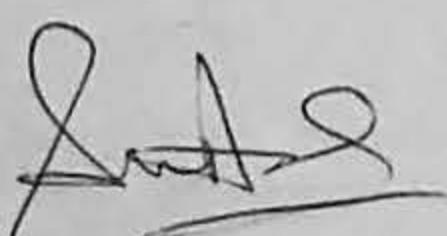
In this O.A., the prayer of the applicants is that the necessary directions be given to the respondents to arrange the payment of Daily Allowances, Mileage Allowances,

Wages of leave period and joining time without any loss of time and also to allow interest at the rate of 18% per annum on the amount due till the date of actual payment.

2. In brief the facts of the case as stated by the applicants are that the applicants are working as regular Gangman under Permanent ways Inspector (for short P.W.I.), Northern Railway, Tundla under the administrative control of Divisional Railway Manager, Northern Railway, Allahabad and headquarter of these applicants is at Firozabad. It is submitted that all the applicants who were previously working under the Dy. Chief Engineer (Const.) Northern Railway, Allahabad, were transferred on administrative ground vide transfer order no. 37-E/Dy. CEC (C) ALD. dated 13.10.1992 to their parent division and were posted to work under P.W.I., Northern Railway, Tundla, the overall incharge of this unit with headquarter at Firozabad under the Permanent Way Inspector, Northern Railway, Firozabad. It is submitted that as per order and direction of P.W.I. Northern Railway, Firozabad, the applicants were performing Railway work pertaining to Railway Track between Makhanpur-Tundla-Hirangaon Railway Station from their headquarter at Firozabad within the radius of 26 km. from their headquarter at Firozabad for which they were issued necessary Railway Duty Passes to cover the journey and they were also marked accordingly in the Muster Roll maintained for this purpose. Therefore, the applicants are entitled for payment of daily allowances as per provision of Indian Railway Establishment Code, Volume II for each day on which they were deputed/ ordered to perform duty beyond radius of 8 kms. from their headquarter. It is submitted that applicants were ordered/ directed to perform their duty from Firozabad to Makhanpur

Hirangaon and Tundla beyond a radius of 8 kms from their headquarters frequently in the month of January, 1993 and February, 1993 and they were actually performed the duties which was duly verified by their Sr. Subordinate Incharge i.e. P.W.I., Northern Railway Firozabad. Thereafter, the applicant submitted their claim for 'Daily Allowance for the month of January, 1993 and February, 1993 on prescribed form of "Travelling Allowance Journal" in the office of their Sr. Subordinate Incharge i.e. P.W.I. Northern Railway, Firozabad in time for checking/verification/signature and onward submission for arranging payment to the applicants. It is submitted that they have preferred the claim of Rs. 24,474.00, but despite of efforts, request and representations, the payment could not be made to the applicants so far. It is, therefore, requested that necessary directions be given to the respondents to arrange for early payment of daily allowances to the applicants with interest at the rate of 18% per annum.

3. The counter-affidavit has been filed by the respondents. It is stated in the counter-affidavit that in the year 1992-93 an economic derive was launched to prevent the excess expenditure to control the budget. Therefore, the T.A. bills as submitted by the applicants were excessively charged and accordingly the same were returned to the applicants to correct the amount by reducing the same but, neither the applicants reduced the amount nor submitted the bills to Permanent Way Inspector, Firozabad. Most of the applicants somehow lost their original T.A. bills and reported the same to be stolen. Various reminders were given to the Class IV employees working under the P.W.I., Firozabad including the applicants to submit the T.A. bills, but they failed. Instead of submitting the T.A. bills, they

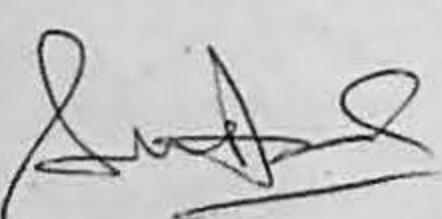


have approached the Tribunal by the present O.A. However, in the meanwhile, the applicants have submitted the duplicate T.A. bills which have already been submitted to the Divisional Headquarter for condonation of delay in submitting the T.A. bills by the competent authority A.E.N., Firozabad, letter dated 22.12.1994. It is also submitted that transfer allowances of the applicants have already been paid to the applicants on 14.2.94. Therefore, on the basis of the averments made in the counter-affidavit, the respondents have requested to dismiss this O.A. with costs.

4. The rejoinder has also been filed by the applicants. In the rejoinder, the applicants have denied the returning of bills by the applicants and also denied the fact that the applicants have filed the duplicate bills and claimed an amount of Rs.23,763/- with 18 % per annum compound interest.

5. Heard the learned lawyer for the applicant and learned lawyer for the respondents and perused the whole record.

6. Learned lawyer for the applicants has submitted that all the applicants are entitled to get daily allowances with interest as claimed by them. Therefore, the respondents be directed to make the payment of daily allowances within the specified period with interest. On the other hand, the learned lawyer for the respondents has submitted that initially the applicant submitted excessive amount of bills, therefore, those bills were returned to the applicants with the direction to file the bill for the correct amount but the applicants did not submit the bills after correction inspite of reminders. Thereafter, the applicants submitted



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duplicate bills which were forwarded to the concerned authority for condonation of delay and to complete necessary formalities, therefore, the delay in payment of bills is not due to the respondents but is due to the applicants.

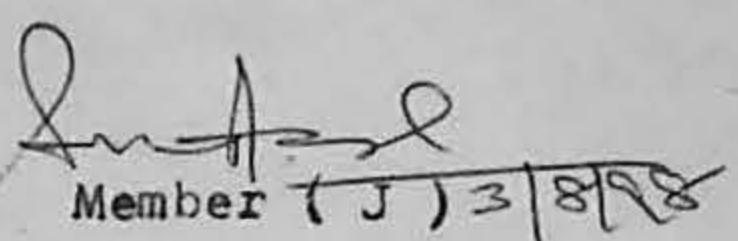
7. I gave thoughtful consideration to the rival contention of both the parties and perused the whole record.

8. The letter dated 22.12.1994 makes it very specific that initially applicants have submitted T.A. bills excessively charged and they were returned to the applicants to reduce the amount. In this letter, there is a mention that original T.A. bills were stolen from the bag of employees and despite various reminders given by P.W.I., Firozabad, the employees could not submit the T.A. bills to P.W.I., Firozabad and, thereafter, they submit the duplicate T.A. bills. Therefore, those T.A. bills were forwarded to the Civil Superintendent Engineer Northern Railway for condonation of delay and to complete other formalities for payment of these T.A. bills. The total amount of T.A. bills in this letter is mentioned as Rs.19,087-00. It is very strange that no payment has been made so far to the applicants although more than 3½ years have passed for which there is no explanation by the respondents. Therefore, in my view the applicants are entitled to interest for non-payment of these T.A. bills atleast w.e.f. 01.4.1995 till the actual payment is made.

9. Therefore, this O.A. is allowed and respondents are directed to pay to the applicants Rs.19,087-00 as per details given in annexure R-1 of the Written Reply, within

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3 months from the date of passing of this order. The applicants are also entitled to interest on this amount at the rate of 12% per annum from 01.4.1995 till the date of actual payment. No order as to costs.


Member (J) 31898

/M.M./