

(6)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 281 of 2000

Allahabad this the 27th day of November, 2001

Hon'ble Mr.C.S. Chadha, Member (A)

Sunil Kumar Agarwal, Son of Sri A.S. Gupta,  
Crew Controller, Central Railway, Agra Cantt.  
Resident of Railway Quarter No.RB-IV/258-B,  
North Railway Colony, Agra Cantt.

Applicant

By Advocates Shri K.N. Katiyar  
Shri Z.A. Faruqui.

Versus

1. Union of India through General Manager,  
Central Railway, (CSTM) Mumbai.
2. Divisional Railway Manager, Central Railway,  
Jhansi.
3. Senior Divisional Electrical Engineer(TD)  
Central Railway, Jhansi.
4. Senior Divisional Electrical Engineer(TRO)  
Jhansi.
5. Senior Divisional Personnel Officer, Central  
Railway, Jhansi.
6. Assistant Personnel Officer(M), Central  
Railway, Jhansi.

Respondents

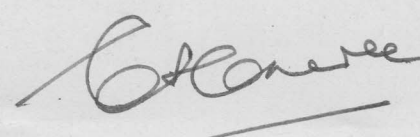
By Advocate Shri Amit Sthalekar

O\_R\_D\_E\_R ( Oral )

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

The case in brief is that the applicant  
worked on the higher post in the pay scale of  
Rs.550-750/- from 20.08.84 to 05.09.85 on the

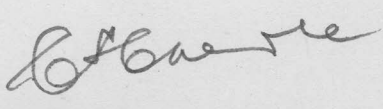
...pg.2/-



basis of a telephonic order , but was denied the officiating pay for that period. Vide order dated 10.03.99. The department refused to pay the officiating pay on the ground that no such order was given to the applicant to officiate on the higher post. On the contrary the applicant has produced annexure A-2 dated 10.09.1985 signed by Chief Traction Loco Controller, Central Railway, Agra Cantt. which clearly states that the applicant was working on the higher post as per telephonic orders of the Senior D.E.E./TD Jhansi-Shri S.S.Edhen, Central Railway.

2. Counsel for the respondents has raised an objection that the claim pertaining to the year 1984-85 is time barred. I would have agreed with the respondents but for the rejection order dated 10.03.99 and the O.A. was filed just within a year of rejection of claim, therefore, the O.A. is within time. The cause of action <sup>had</sup> arisen on rejection of the claim.

3. In view of the facts and circumstances stated above, the respondents are directed to pay the officiating allowances to the applicant for the impugned period with consequential benefits, if any, within a period of 2 months from the date of receipt of this order. No order as to costs.

  
Member (A)

/M.M./