

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 427 OF 2002

ALLAHABAD, THIS THE 23rd DAY OF APRIL, 2003

HON'BLE MR JUSTICE R. R. K. TRIVEDI, V.C.

Nirgun Ram,
s/o late Mathura,
Clerk, N.E. Railway, Sonpur,
Bihar, resident of village-Badaon,
Post Office-Maltari, Pargana and Tehsil Sagari,
District-Azamgarh.

.....Applicant

(By Advocate : Shri F. Ahmad)

V E R S U S

1. Union of India through G.M.,
N.E. Railway, Gorakhpur.
U.P.
2. Divisional Railway Manager,
N.E. Railway, Sonpur,
Bihar.
3. Chief Personal Officer,
N.E. Railway, Gorakhpur U.P.
4. Senior Divisional Personal Officer,
N.E. Railway, Sonpur,
Bihar.

.....Respondents

(By Advocate : Shri K.P. Singh)

O R D E R

By this O.A. filed under section 19 of Administrative
Tribunals Act, 1985, the applicant has claimed for a direction
to respondents to pay special pay of Rs.35 per-month from



.....2/-

01.07.1984 to 28.02.1987 and has also prayed to quash the order dated 14.06.2001 by which the claim of the applicant has been rejected.

2. The facts of the case are that applicant was working as clerk in N.E. Railway Sonpur, Bihar. He retired from service on 31.05.1992. This O.A. has been filed on 27.02.2002 i.e. after 10 years.

3. Learned counsel for the applicant has submitted that the circular order dated 03.04.1981 (Annexure-I) provided for payment of special pay to the clerks who were performing the work of ~~complex~~^{complex} and important nature. Applicant claims that during the aforesaid period namely 01.07.1984 to 28.02.1987 he performed the work of ~~complex~~^{complex} and important nature. To corroborate this fact he has only said that before the applicant joined the post, Vindheswari Prasad was working on this post and he was being paid special pay. Therefore, applicant was also entitled. The second submission is that the circular order dated 03.04.1981 provides for the same.

4. Shri K.P. Singh, counsel for the respondents, on the other hand, submitted that the order dated 03.04.1981 only provided the procedure for identification of the posts of minor clerk/GSI as to whether they were discharging duties ~~duties~~^{duties} of ~~complex~~^{complex} and important nature so ~~so~~ that they may be paid



special pay of Rs.35 per-month. It is submitted that after such a long time, it is difficult to decide, whether the applicant discharged duties of complex^{ed} and important nature as provided in the order dated 03.04.1981. It is also submitted that the applicant was promoted on 25.02.1987. For this reason also he was not entitled for the relief.

5. I have carefully considered the submissions of the counsel for the parties. The special pay of Rs.35/- was admissible only in case the concerned employee was performing the duties of complex^{ed} and important nature. This is a factual aspect of the matter, which can be verified at the relevant time. It is not un-common that function^s and duties are changed from person to person according to their ability and capacity. Thus the fact that Vindheswari Prasad was being paid special pay hence applicant should also be paid, cannot be applied in the present case. The applicant^{is} not ^{mentioned} ~~detailed~~ any fact on which basis it may be determined that he was discharging the duties of complex^{ed} and important nature. After more than 20 years it is difficult to decide this factual aspect of ^{ch a} this claim hence applicant is not found entitled for the same. The impugned order does not suffer from any error of law. So far the other reliefs are concerned, it has been stated in the impugned order that claim was already rejected on 23.08.1971 and applicant was informed as per rules. This was not challenged.

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6. In the circumstances, the applicant is not entitled for any relief. The O.A. has no merit and is accordingly dismissed. No order as to costs.


Vice-Chairman

shukla/-