

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 08th day of DECEMBER 2004.

Original Application no. 638 of 2002.

Hon'ble Mrs. Meera Chhibber, Member J.

D.P. Shukla, S/o Sri R.B. Shukla,
R/o Railway Quarter No. 69, 8th Avenue, Nawab Yusuf Road,
Allahabad.

... Applicant

By Adv : Sri A. Dwivedi

V E R S U S

1. Union of India through the General Manager,
Northern Railway, Baroda House,
NEW DELHI.
2. The Divisional Mechanical Engineer (Power),
Northern Railways,
ALLAHABAD.
3. The Divisional Personnel Officer,
Northern Railways,
ALLAHABAD.

... Respondents

By Adv : Sri A.K. Pandey

O R D E R

By Mrs. Meera Chhibber, JM

By this OA applicant has prayed for quashing of the order dated 19.7.2001 whereby he has been denied training allowance on the grounds that there is no training centre in Diesel Shed Allahabad (Pg 12). He has further sought direction to the respondents to pay training allowance to the applicant alongwith interest @ 18% pa.



2. It is submitted by the applicant that he was appointed as instructor for Diesel (Mech) & Diesel (Elect) after screening was done vide memo dated 14.09.1995 in the same order it was mentioned that one post of instructor (Mech) Grade Rs. 2000-3200 of Diesel Shed/MGS is transferred to Diesel Shed Allahabad and Sri D.P. Shukla is posted against the said post at Diesel Shed Allahabad (Pg 17). Another order was issued on 22.9.1995 for posting the applicant as instructor (Mech) at Loco Shed Allahabad (Pg 18). Applicant has annexed letter dated 9.1.1998 to show that applicant was nominated to impart training of Gajraj and Chetak Diesel Loco operation among the Diesel Driver of ALD, CNB, YDL and CAR Shed. Accordingly all the Diesel Drivers and Loco instructors were required to be placed at its disposal for impartial training on his visit in the respected sheds (Pg 19). Applicant, therefore, prayed that he be given the training allowance as per Railway Board's letter dated 29.9.1995. (Pg 20). Since no reply was given to him he filed OA no. 419 of 2001 which was disposed of on 18.4.2001 by directing the respondents to decide the applicant's representation within three months from the date of communication of the order. Respondents, however, rejected his claim on the ground that since he was not posted in a training centre, therefore, he was not entitled to any training allowances.

3. I have heard both the counsel and perused the pleadings as well.

4. The only ground on which the respondents have rejected the claim of the applicant is that there was no training centre at Allahabad but they have not applied their mind to the fact that the post on which the applicant has been posted at Allahabad itself belongs to Mughalsarai which is



3.

a training centre and he was posted at Allahabad by transferring the said post from Mughalsarai to Allahabad. It is also seen that the respondents have not disputed the fact that at Allahabad also he was being utilized to impart training to the Drivers and Loco Instructors. In these circumstances I think this case needs to be remitted back to the authorities concerned for reconsidering the claim of the applicant by keeping these facts in mind. Therefore, this case is disposed of by directing the respondents to reconsider the claim of the applicant in view of the above observations and to pass a reasoned order within a period of three months from the date of receipt of copy of this order.

5. In view of the above this OA is disposed of with no order as to costs.



Member J

/ pc/