

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 5TH DAY OF SEPTEMBER, 2002

Diary no.3443 of 2002 (OA.1000/02)

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,av.c.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Arvind Kumar Singh, son of  
Shri Satya Narain Singh, Manager,  
Staff Canteen(Carriage and Wagon) Depot,  
Northern Railway, Varanasi, R/o 198-D  
New Loco Colony, Northern Railway  
Varanasi.

... Applicant

(By Adv: Shri S.B.Pandey)

Versus

1. Union of India through  
General Manager, Head Office  
Northern railway, Baroda House  
New Delhi,.
2. The Divisional Manager, Railway  
Hazratganj, Lucknow.
3. Senior Divisional Mechanical Engineer  
(Carriage and Wagon) Depot,D.R.M.  
Office, Northern Railway, Lucknow.
4. The Assistant Mechanical Engineer  
(Carriage & Wagon) Northern Railway,  
Varanasi.

... Respondents

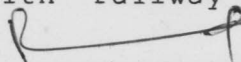
(By Adv: shri A.K.Gaur)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the order dated 25.5.01. Applicant has also prayed for a direction to the respondents to keep the applicant as railway servant giving all benefits of railway servant of comparable status as provided in notification dated 24.8.1990.

The facts of the case are that applicant filed writ petition no.5504/01 before Hon'ble High court and claimed relief that respondents be directed to treat the applicant at par with railway servant extending all



benefits admissible to other railway servants of comparable status. This writ petition was disposed of finally by order dated 26.2.01 with the direction that applicant shall file a representation which shall be considered and decided by the concerned authority in the light of notification dated 24.8.1990. In pursuance of the aforesaid order of Hon'ble High court applicant filed representation dated 16.4.01. The representation has been rejected by the impugned order dated 25.5.01 aggrieved by which this OA has been filed. The entire claim of the applicant is based on the letters of 1997 by which some Union leaders proposed to make provision for staff canteen which was approved by Senior Divisional Mechanical Engineer on 1.9.1997. Some related steps in this connection were also taken. However, subsequently the union leaders withdrew their request for setting up a new canteen and for allotment of accommodation. In view of this subsequent development a meeting was organised by Assistant Mechanical Engineer, Northern Railway, Varanasi vide letter dated 30.9.1997. The meeting took place and the matter was reconsidered and thereafter decision was taken that a scheme for proposed <sup>Canteen</sup> in accordance with rules, has to be submitted to the Railway board for approval indicating the financial implications duly vetted by the financial advisor and the Chief Accounts officer, Northern railway, New Delhi. It was also found that in view of that <sup>Senior Divisional Mechanical Engineer</sup> ~~as the Railway Board was~~ <sup>had</sup> wrongly issued letter dated 1.9.1997 granting approval to start the canteen. Thus, the authority who had granted the approval was not competent for the same. The Unions were accordingly informed to close down the canteen <sup>u</sup> which was continuing unauthorisedly. The said decision was communicated by Senior Divisional Mechanical Engineer

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through(C&W) Northern Railway, Lucknow Division through letter dated 5.3.1998 and accordingly the two unions were informed through letter dated 6.3.1998. Thus the earlier approval granted was withdrawn as it was without authority, and financial approval could not be granted by any authority, except by Railway Board indicating the financial implications duly vetted by the Financial Advisor and the Chief Accounts Officer, Northern Railway, New Delhi. In the present case there is no such approval. The finding has been ~~neither~~ recorded <sup>that no</sup> ~~nor any~~ approval has been granted by the Railway Board. In the circumstances, the order is perfectly justified and the applicant is not entitled for any relief.

The OA has no merit and is accordingly rejected.

  
MEMBER (A)

  
VICE CHAIRMAN

Dated: 5th September, 2002

Uv/