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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 668 OF 1987
~~EX-Annex~~

DATE OF DECISION 7.10.1988

SHRI P.N. MATHUR Petitioner

MR. R. TRIPATHI Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. Respondent

MR. N.S. SHEVDE Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.M. JOSHI : JUDICIAL MEMBER

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

(10)

Shri P.N.Mathur,
Deputy Station Superintendent (Retired)
C-12, Asopalav Flats,
Near Bhavasar Hostal,
Nava Wadaj, Ahmedabad.

.... Petitioner.

(Advocate : Mr. R.Tripathi.)

Versus

1. Union of India,
(Notice of the application
tobe served through,
the General Manager,
Western Railway,
Churchgate, Bombay.)

2. Divisional Railway Manager,
Western Railway,
Pratapnagar, Baroda-4.

.... Respondents.

(Advocate : Mr. N.S.Shevde.)

J U D G M E N T

O.A. No. 668 OF 1987.

Date :

Per : Hon'ble Mr. P.M.Joshi, Judicial Member.

The petitioner Shri P.N.Mathur, (a retired railway employee), has filed this application on 21-12-1987 under section 19 of the Administrative Tribunals Act, 1985. It is prayed that the respondents-railway administration be directed to pay the officiating allowance to the petitioner for the period from 11.6.1984 to 30.11.1985 and his retirement benefits including pension pay ^{to be} ~~pay~~ fixed on the basis of his basic pay at Rs. 830/- instead of Rs. 795/-. He has also prayed that he should be paid the 'Accident Free Service Award' as per railway board's letter dated 16.1.1984.

2. The respondents-railway administration has opposed the application contending inter-alia that the post of Deputy Station Superintendent is a selection post and

he was promoted as Deputy Station Superintendent carrying a scale of Rs. 700-900(R), on adhoc basis on 1.12.1985. They have categorically denied the petitioner's allegation that he worked as Deputy Station Superintendent with effect from 11.6.1984 to 30.11.1985. With regard to the claim for the benefit of award it was submitted that such "Accident Free Service Award" is granted to the employees who have crystal clear service record and accordingly, as the petitioner's service record revealed that he had been awarded various punishment on the grounds of misconduct, he is not considered eligible for the same.

3. When the matter came up for final hearing, Mr. R. Tripathi and Mr. N.S. Shevde, the learned counsel for the petitioner and respondents respectively, were heard. The materials placed on record are also perused and considered.

4. The main grievance of the petitioner is that even though he had worked in the higher grade of Deputy Station Superintendent (scale Rs. 700-900) for a period of about 18 months from 11.6.84 to 30.11.85 in the officiating capacity he was not paid ^{the} officiating allowance. The defence of the respondents, is that petitioner had never officiated the said post during the relevant period and as such, he is not entitled to claim such allowances.

5. At the outset it may be stated that the petitioner has not produced any material in support of his claim. During the course of the arguments, it was conceded by Mr. Tripathi that no written orders were passed directing the petitioner to officiate as Deputy Station Superintendent. However reference was invited to the petitioner's letter

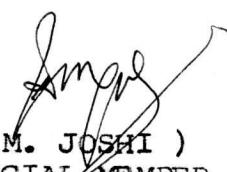
dated 22.11.86, wherein the petitioner had stated that he was utilised against one of those upgraded post sanctioned as a result of restructuring of the cadre. If one reads the said letter, it becomes amply clear that no orders or instructions were passed on to the petitioner to officiate the post of Deputy Station Superintendent during the relevant period. The reason assigned for his claim being utilised is that no other senior person had claimed to officiate the post. Suffice, it to say, that such a reason is hardly a justification for his claim. It was urged by Mr. Shevde that the petitioner was given the benefits of upgradation for the first time with effect from 1.1.83 when he was given the scale of Rs. 455-700 from the scale of Rs. 425-640 and second benefit as a result of "chain of promotion" was given to him to the scale of Rs. 550-750, initially, with effect from 12.6.84 and subsequently it was modified to make effective from 1.1.1984.

6. The petitioner has not placed any circular or rules which entitled him to get the promotion to the post of Deputy Station Superintendent scale Rs. 700-900. The fact that he was regularly promoted to the post of Deputy Station Superintendent (scale Rs. 700-900) with effect from 1.12.1985 is not in dispute. Moreover the fact that he has accepted this promotion without any demur is not controverted. In case, the petitioner was utilised and he had officiated for the said post he would not have waited till his retirement to claim such allowances. It seems that he has come out with a grievance, much late after his retirement and that too is not substantiated by ^{the} under rules or instructions issued in this regard. Moreover nothing has been shown as to how he has got a right to claim "Accident Free

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Service Award. The instructions contained in railway board letter dated 16.4.1984 referred to and relied upon by the petitioner does not ~~laid~~ down a criterion under which such awards are admissible to an employee. The petitioner has miserably failed to establish his claim.

7. For the reasons stated above, the application has no merit, as he has failed to establish his claim. The application, accordingly, stands dismissed with no order as to costs.


(P.M. JOSHI)
JUDICIAL MEMBER