

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 441 OF 1989
~~TAX NO.~~

DATE OF DECISION 10.06.1992.

Shri Lakhu Punja and 11 others. Petitioner

Shri B.H.Pathak. Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Shri B.R.Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. D.L.Mehta : Vice Chairman

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 ?

1. Lakhu Punja,
2. Hamir Deya,
3. Devshi Vira,
4. Harji Giva,
5. Rana Paba,
6. Rava Pala,
7. Rana Malshi
8. Ismial Allarkhha,
9. Harshi Paba,
10. Randhir Devra,
11. Aja Raimal,
12. Pathubha Agarshi.

All address to :-

C/o.Association of Railway & Post,
Employees,
Allap Duplex,
Opp. Anjali Theator,
Vasana Road,
Ahmedabad.

...Applicants.

(Advocate : Mr.P.H.Pathak)

Versus

1. Union of India,
Notice to be served through
The Chief Engineer (C) (WR),
Railway Station,
Ahmedabad.
2. Assistant Engineer (E) (WR),
Railway Station,
Sabarmati,
Ahmedabad.
3. Parment ~~Railway~~ Inspector(WR)
Sabarmati,
Ahmedabad.

...Respondents.

(Advocate : Mr.B.R.Kyada)

O R A L J U D G M E N T

O.A. NO. 441 OF 1989.

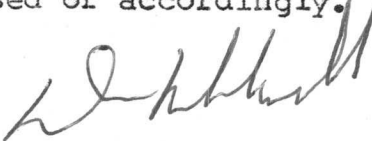
Date : 10.06.1992.

Per : Hon'ble Mr.Justice D.L.Mehta : Vice Chairman

Heard Mr.P.H.Pathak and Mr.B.R.Kyada, learned
counsel for the petitioner and the respondents. All
petitioners were ordered vide letter dated 6.9.1989, thin
vide Annexure-'A', to join at Prantij, In the said ment
letter it has been specifically mentioned that the at
4...

petitioners will be entitled to get all benefit, if
admissible. Now the question is about the interpretation
of the word 'if'. It will not be out of place here that
vide letter dated 11.9.1989, the authorities at Prantij
directed ~~the~~ ^{the} present petitioners to join again at
Jamnagar as the work is not available there. The matter
was referred to the higher authorities, and vide order
dated 15.9.1989, directions were issued to take them
on duty. Annexure-4, is a Second Class Free Pass by which
they were directed to proceed. Vide Annexure-5, is a letter
dated 21.9.1989, and the petitioners were directed to be
on duty at the place shown in the chart. They have not
been paid. It is an admitted position that the daily
allowances ~~is~~ ^{has} also not been paid. Mr.B.R.Kyada, appearing
on behalf of the respondents submits that they have
travelled in a Railway compartment under the Railway pass ~~x~~
as such they are not entitled for the travelling
allowances. With all fairness the counsel appearing on
behalf of the Railways submits that they are entitled for
the daily allowances as per Rules applicable to the
category of persons to which they belong. In the light
of the submissions made, it is directed that the daily
allowances should be paid for the period during during
which the present petitioners remained out of head-
quarters, on account of one ^{Major} year or the other ^{Major} year within
~~The payment should be made within two~~
~~a period of two~~ months from today. In case the payment
is delayed the respondents will have to pay interest at

the rate of 15% per annum, on the amount of daily allowance which is to be paid to the petitioners and this interest if is paid to the petitioners will be recovered from the employees who will be responsible for delaying the payment and ^{Railway shall not suffer} ~~not from the State ex-chequer~~. In the light of this order, prayer A,B, and other prayers are not pressed. The application is disposed of accordingly.


(D.L.Mehta)
Vice Chairman

AIT