

Transcript
T.P.

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 176 OF 1990
~~TAX NO.~~

DATE OF DECISION 9-4-1992

Pakkiyavathe Ayyakan, Petitioner

Mr. Y.V. Shah, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. N.S. Shevde, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt, 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 ?

Pakkiyavathe Ayyakan
T.S. Gangman
C/o. Permanent Way Inspector,
Western Railway,
Sabarmati, Ahmedabad. Applicant.
(Advocate: Mr. Y.V. Shah)

Versus.

1. Union of India, through the
General Manager,
Western Railway,
Churchgate, Bombay-20.
2. Divisional Railway Manager(E),
Western Railway,
Broach.
3. Assistant Engineer (II)
Western Railway,
Broach.
4. Permanent Way Inspector,
P.Q.R.S., Western Railway,
Broach. Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL JUDGMENT

O.A.No. 176 OF 1990

Date: 9-4-1992.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Mr. Y.V. Shah, learned counsel for the applicant.

Mr.N.S.Shevde, learned counsel for the respondents

The applicant, a casual labourer, has filed this application under section 19 of the Administrative Tribunals Act, 1985, seeking a relief that the respondents be directed to pay admissible travelling allowance to the applicant for the period mentioned in the application as per para 2508 of the Indian Railway Establishment Manual and Rules 202 & 203 of

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Indian Railway Establishment Code. It is alleged in the application that the applicant is not liable to transfer in view of the provision of para 2501 of the Indian Railway Establishment Manual and when the applicant is transferred or deputed 8 KM. away from her headquarter the respondents were bound to pay allowance according to para 2508 of Indian Railway Establishment Manual and Rule 202 & 203 of Indian Railway Establishment Code but the respondents have not paid the same. The applicant in para 6(B) of the application, ^mhas alleged that respondent No. 4 had shifted or deputed her from Broach headquarter to Koshad and then to Kribhco siding from 17th March, 1987 to 28th December, 1987 and thereafter from 27th September, 1988 to 1st June 1989 from Broach to Baroda on duty 8 km. away from her Broach Headquarter.

2. The respondents have resisted the application by filing reply contending that the applicant was not entitled to the allowance claimed by her because according to respondents, the applicant was not transferred or shifted by respondent No.4 from her headquarter as alleged. It is contended that the headquarter of the applicant was not fixed at Broach and she was not entitled to the allowance demanded by her.

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3. After some argumentation, the learned advocate for the applicant submitted that the present application be treated as a representation of the applicant and the same be sent to Divisional Railway Manager(E), Western Railway, Baroda to dispose of the same according to the rules. He submitted that this Tribunal and other Tribunal has in O.A.8/88 (Khuman Kadu & 62 Ors. V/s- Union of India & Ors.) decided on 1st July, 1988, O.A.No. 373/89 (Nabi Ahmed & Ors. V/s. Union of India & Ors.) decided on 5th March, 1992, (Ramnivas Mathadin & 42 ors. V/s. Union of India & Ors.) reported in (1991) 15 ATC, 366, CAT Jodhpur Bench, and subsequently also this Tribunal other such matters have allowed the claim admissible under para 2508 of I.R.E.M. to such casual labourers. He submitted that the respondents may decide the representation of the applicant keeping in mind the said decisions. The learned advocate Mr. Shevde submitted that this petition be treated as representation and the respondent No.2 be directed to dispose of the same. Hence the following order :

O R D E R

new
The respondent No.2, Divisional Railway Manager (E), Western Railway, Baroda is directed to treat this O.A. as representation of the applicant and the same be decided according to rules and if the

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applicant is entitled to the allowance, the same be calculated by the respondent No.2 and be paid to the applicant. The respondent No. 2 to dispose of the application within four months from the receipt of the judgment. If the applicant ~~is~~ feels aggrieved by the order ~~will~~ be passed on the representation the applicant would be at liberty to approach this Tribunal according to law.

Application is disposed of. No orders as to costs.

Tersul

(R.C.Bhatt)
Member(J)

M.A.ST./139/91

IN O.A./176/90

Date	Office Report	Order
10.4.1992		None present for the applicant. The applicant wants to withdraw O.A. No.176 of 1990, but the office objection is that O.A. No. 176 of 1990 is not of this applicant. Hence M.A.St.139 of 1991 is dismissed because it pertains to original application not of the applicant. M.A.St. 139 of 1991 is disposed of.

Renu
(R.C.Bhatt)
Member (J)

*Ani.