

Travelling  
allowance

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

(4)

O.A. No. 367 OF 1990  
~~P.A. No.~~

DATE OF DECISION 9-4-1992

Bhima Kadva & Ors. Petitioner<sup>s</sup>

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

Versus

Union of India & Ors. Respondent s

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 ? ✓

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1. Bhima Kadva,
2. Girdhar Magan
3. Balsing Jita
4. Amarsing Desing
5. Gordhan Gala
6. Mathur Ramsing
7. Madia Nanka
8. Balsing Jetha
9. Sursing Sengla
10. Raman Mania
11. Ganpat Keshur
12. Raising Dhura
13. Vithal Managal
14. Arvind Hera
15. Madu Lakha
16. Kidia Meria
17. Dena Dhria
18. Narsing Magan

All belongs to ST community.

At present working at  
Sabarmati, Western Railway. .... Applicants.

(Advocate: Mr. Y.V.Shah)

Versus.

1. Union of India,  
through the General Manager  
Western Railway,  
Churchgate, Bombay.
2. Divisional Railway  
Manager (E),  
Western Railway,  
Baroda.
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.367 OF 1990

Date: 9-4-1992.

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

Mr.Y.V.Shah, learned advocate for the applicants.

Mr.N.S.Shevde, learned advocate for the respondent

Eighteen applicants claiming themselves as

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casual labourers and working under the respondent No.4, have filed this application under section 19 of the Administrative Tribunals Act, 1985, seeking the relief that the respondents be directed to pay admissible travelling allowance to them for the period mentioned in the application as envisaged in para 2508 of the Indian Railway Establishment Manual and Rules 202 & 203 of the Indian Railway Establishment Code. The applicants have alleged in the application that their headquarter was at Broach, that they have been granted temporary status, that they are not liable to transfer in view of the provision of para 2501 of Indian Railway Establishment Manual. It is alleged in the application that the respondents No.4 transferred/shifted the applicants from Broach Headquarter to Kribcho siding from 21st April, 1987 to 21st July, 1988 from Broach to Krimcho on duty 8 km. away from their Broach headquarter but they have not been paid admissible allowance as envisaged in para 2508 of I.R.E.M and Rule 202 & 203 of I.R.E.C.

2. The respondents have filed reply resisting the application contending that the applicants were not entitled to any allowance as claimed by them and contended that casual labourers who are locally recruited and ~~are~~ defined in para 2501 of I.R.E.M, are not liable to transfer and that they denied that

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the applicants were transferred/shifted by respondent No.4 from Broach headquarter as alleged and contended that the application be dismissed.

3. At the time of hearing of this application, the learned advocate Mr. Y.V. Shah for the applicants submitted that this application be treated as representation of the applicants and the Divisional Railway Manager (E), Western Railway, Baroda be directed to dispose of this application as representation of the applicants according to rules. He submitted that this Tribunal and other Tribunal have granted such claim of the casual labourers and he relied on the decisions in O.A.8/88 (Khuman Kadu & 62 ors. V/s. Union of India & Ors, decided on 1st July, 1988), O.A.373/89 (Nabi Ahmed & Ors. V/s. Union of India & Ors, decided on 5th March, 1992) and (Ramnivas Mathadin & 42 ors. V/s. Union of India & Ors., reported in (1991) 15 ATC, 366, CAT Jodhpur Bench), and subsequently also this Tribunal <sup>in</sup> other <sub>L</sub> such matters have allowed the claim admissible under para 2508 of I.R.E.M. to such casual labourers. The learned advocate Mr. Shevde submitted that this application may be treated as representation of the applicants and the Divisional Railway Manager(E) Western Railway, Baroda be directed to dispose of the same as per rules. Mr. Shah submitted that the decisions referred to by him also be kept in kind

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while considering the representation of the applicants. In view of <sup>the</sup> ~~this~~ submissions of learned advocates the following order is passed:

O R D E R

The respondent No.2, Divisional Railway Manager (E), Western Railway, Baroda is directed to treat this O.A. as representation of the applicants and the same be decided according to rules and if the applicants are entitled to the allowance, the same be calculated by the respondent No.2 and be paid to the applicants. The respondent No.2 to dispose of the application within four months from the receipt of the judgment. If the applicants <sup>are</sup> ~~are~~ aggrieved <sup>by that order</sup> by the order ~~will~~ be passed on the representation, the applicants would be at liberty to approach this Tribunal according to law. Application is disposed of. No orders as to costs.

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