

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD**

**O.A.NUMBER/424/1992
AHMEDABAD, THIS DAY 20TH JULY, 2000**

**Hon'ble Mr. V.Ramakrishnan, Vice Chairman
Hon'ble Mr. P.C.Kannan, Judicial Member.**

- 1.Jiva Samat
- 2.Association of Railway & Post Employees
Through its Treasurer Shri R.C.Pathak
All-ap Flats Opp> Anjali Theatre
Vasna Road, Ahmedabad-7.

Applicant

Advocate: Mr. P.H.Pathak

Versus

- 1.Union of India
Notice to be served through General Manager
Western Railway, Churchgate, Bombay.
- 2.Dist. Signal & Telecommunication
Engineer© Western Railway, Pratapnagar
Baroda.
- 3.Asstt.Signal & Telecommunication
Engineer (Constn.) Western Railway
Pratapnagar, Baroda.

Advocate: Mr. N.S.Shevde

ORDER (ORAL)

We have ^{heard} Mr. P.H.Pathak for the applicant and Mr.N.S.Shevde for the respondents.

2. The applicants are project casual labourers with temporary status. They were proposed to be transferred from Fulera -Jaipur to Bhuj and on completion of

Their work in Bhuj Nalia they were repatriated to Fulera Jaipur. They have filed the O.A. before this Tribunal and prayed for an interim relief restraining the respondents from transferring them ~~back~~ from Bhuj-Nalia to Fulera-Jaipur. In view of this the Railway administration brought them back to Ahmedabad. The claim of the applicant, is that as it is in the nature of the transfer from Bhuj Nalia to Ahmedabad, they are entitled to transfer travelling allowance.

3. The Railway admn. have taken the view that they were brought back to Ahmedabad and their Headquarters was at Ahmedabad, they were paid travelling allowance as per rules. It is the stand of the Railways that they were deployed at Ahmedabad and they would have been retrenched. And the order directing them to serve at Bhuj and as such the order asking them to serve even though their headquarters was in Ahmedabad was in public interest. The Railways however say that they would have been paid travelling allowance as per the rules on the basis that their headquarters was at Bhuj-Nalia if they were working in Ahmedabad. There is however some controversy with regard to the same as according to Mr. Pathak it is not clear whether they were paid T.A. right from the initial order in 1989 whereas the Railways have taken the stand that the same has been paid as per rules. In the light of the submissions of both the counsels we find that the applicants in fact had received Daily Allowance/Travelling Allowance as per rules that their headquarters to be kept at Bhuj Nalia. There is no transfer grant or packing allowance as they were in fact not transferred. However, In view of the fact that they were deployed at Ahmedabad from 1989 it is open to the applicants to check

up whether they were in fact given DA/TA as per rules or not from the initial period ^{up to} their deployment in Ahmedabad . If it ^{is} found that they had not received whatever is due to them on that basis railways shall ensure that they are paid ^{the dues} ~~DA/TA~~ as per the rules ^{from the} ~~right~~ ^{initial order} to their deployment in Ahmedabad. If any ^{rejoinder} ~~rejoinder~~ is received from any of the applicants in this regard and if the same is not disposed of, the Railways shall dispose the same. ^{if not disposed}

§ With the above direction the O.A. is finally disposed off with no orders as to costs.

(P.C.Kannan)
Member (J)

(V.Ramakrishnan) ·
Vice Chairman

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