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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 10.10.2001

OA 6/98

Jai Bhagwan Sharma s/o Shri Ramphal Sharma r/o Railway Colony, Bhagat ki Kothi, Jodhpur, last employed as Station Supdt. at Railway Station, Jodhpur.

... Applicant

V/s

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Personnel Officer, Northern Railway, Jodhpur Division, Jodhpur.

... Respondents

CORAM:

HON'BLE MR. A.P. NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. J.K. Kaushik

For the Respondents

... Mr. S.S. Vyas



O R D E R

PER HON'BLE MR. A.P. NAGRATH, ADMINISTRATIVE MEMBER

In this application filed u/s 19 of the Administrative Tribunals Act, 1985, the applicant seeks direction to the respondents to pay him officiating allowance for the period from 19.12.95 to 5.7.96, during which he claims to have officiated as Station Superintendent in scale Rs.2375-3500.

2. I find from the impugned order dated 22.4.97 (Ann.A/1) that the respondents have rejected the claim of the applicant on the ground that he himself ^{had} withdrawn the same by his application dated 9.10.96. The application dated 9.10.96 has also been brought on record by the applicant and is filed as Ann.A/4.

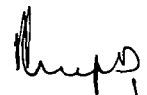
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3. In the averments in the OA, the applicant has stated that he had withdrawn his claim for ~~over-time~~ officiating allowance as respondent No.2 had given him assurance that his (applicant's) claim ~~for~~ over-time will be cleared in case he withdraws his request for officiating allowance. The respondents in reply have refuted this version of the applicant by stating that no such assurance was ever given to the applicant and the letter of withdrawal of the claim is a letter simpliciter and does not mention about any assurance having been given to the applicant.

4. I have perused the application dated 9.10.96, by which the applicant had requested for permission to withdraw his claim for officiating allowance for the period from 19.12.95 to 21.6.96. There is no mention of any assurance and the only reason given is that the applicant was claiming over-time allowance for the same period. Having said so and having withdrawn the request for officiating allowance, the applicant is estopped from agitating the matter on the same issue by ~~xxx~~ filing this OA. In the light of these facts, the OA deserves to be dismissed.

5. The OA is, therefore, dismissed with no order as to costs.




(A.P. NAGRATH)
MEMBER (A)
10/10/2001

R copy
D. J. J. J. J.
10/10/07

R copy
on 16/17
D. J. J. J. J.

Part II and III destroyed
in my presence on 22.5.07
under the supervision of
section officer () as per
order dated 13.13.07

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Section officer (Record)