

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

**ORIGINAL APPLICATION NO. 246/2003
&
ORIGINAL APPLICATION NO. 184/2003**

DATE OF ORDER: 22.07.2011

CORAM:

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER

OA No. 246/2003

1. Ram Kumar S/o Shri Panna, aged about 52 years, R/o quarter No. 1031, Railway Nehru Colony, Jodhpur (Raj.).
2. Nav Ratan S/o Shri Birdhi Chand, aged about 55 years, R/o quarter No. 1118, New D.S. Colony, Jodhpur (Raj.).
3. Ram Singh S/o Shri Jaswant Singh, aged about 43 years, R/o D-48, quarter No. E, opposite S.P.S. School, Jodhpur (Raj.).
4. Babulal Meena S/o Shri Kishan Lal Meena, aged about 34 years, R/o quarter No. 1107, New D.S. Colony, Jodhpur (Raj.).
5. Shambhu Singh S/o Shri Shanker Singh, aged about 50 years, R/o quarter No. 1073, behind R.P.F. Line, Jodhpur (Raj.).
6. Kishanlal S/o Shri Kewal Ram, aged about 43 years, R/o 9/761, Chopasani Housing Board, Jodhpur (Raj.).
7. Himat Singh S/o Shri Bhanu Singh, aged about 45 years, R/o L-56, Near Railway Stadium, Jodhpur (Raj.).
8. Prem Singh S/o Shri Moolchand, aged about 42 years, R/o Meyo Bhawan, Plot No. 46, Baldeo Nagar, Jodhpur (Raj.).
9. Surendra Kumar S/o Shri Shiv Deo, aged about 43 years, R/o J-80, Pratap Nagar, behind Bijalighar, Jodhpur (Raj.).



All the applicants are present employed on the post of Sr. Khallasi in the office of Divisional Cash & Pay Master, North/West Railway, Jodhpur (Raj.).

...Applicants.

Mr. J. K. Mishra, counsel for applicants.

VERSUS

1. Union of India through the General Manager, North/West Railway, Jaipur (Raj.).
2. The F.A. & C.A.O. (T), North/West Railway, Cash & Pay Department, Jaipur (Raj.).
3. The Finance Commissioner, Railway Board, New Delhi.
4. The Assistant Chief Cashier, North/West Railway, Jaipur (Raj.).
5. The D.C. (P), North/West Railway, Jodhpur Division, Jodhpur (Raj.).

... Respondents.

Mr. Kamal Dave, counsel for respondents.

OA No. 184/2003

Onkar Singh S/o Shri Ram Pratap, aged 42 years, R/o 137, Dhanka Basti, Hasanpura A, Jaipur, at present working as Peon, office of Divisional Pay Office, North Western Railway, Jaipur.

...Applicant.

None present for the applicant.

VERSUS

1. Union of India through the General Manager, North Western Zone, North Western Railway, Jaipur - 302 006.
2. Financial Advisor and Chief Accounts Officer, North Western Zone, North Western Railway, Jaipur - 302 006.
3. Chief Cashier, North Western Zone, North Western Railway, Jaipur - 302 006.
4. Senior Divisional Accounts Officer, Divisional Pay Office, North Western Railway, Jaipur Division, Jaipur - 302 006.

...Respondents.

Mr. Kamal Dave, counsel for respondents.

ORDER

(Per Dr. K.B. Suresh, Judicial Member)



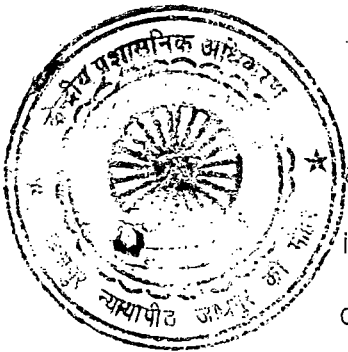
Since the cause of action, facts and grounds are similar, and the reliefs as prayed for by the applicants are also of similar nature in both the aforesaid OAs, besides common question of facts and law are involved, therefore, both the OAs are being disposed of together through this common order.

2. Heard the learned counsels for both the sides and examined the pleadings and records including the judgment of the Hon'ble High Court of Rajasthan at Jodhpur passed in D.B. Civil Writ Petition No. 3216/2004 and D.B. Civil Writ Petition No. 3206/2004 on 01.03.2011, by which both the Original Applications were remitted to this Bench of the Tribunal for deciding the matter afresh.

3. The crux of the matter is only on two points. Whether the honorarium, which was to be given to Class-IV employees of the

Railways, as and when they were accompanying the Cashiers, is a part of their service condition, and would entitle them for continuance, as was being paid to them earlier. The learned counsel for the applicant would submit that if this practice is followed in some other Railway Zones, the same ^{has} also to be followed for the applicants also, ~~and~~ since it is being adopted in Northern Railway, but the same is not being adopted in the newly constituted North Western Railway.

4. The learned counsel for the respondents would say that the change adopted is after providing better and adequate precautions by providing Police Guards and Coolies to the Cashiers, and therefore the support of the class-IV employees is, thus, ruled out. We, therefore, enquired of the learned counsel for the applicants as to whether the said honorarium was substantial enough and which is a legitimate expectation, which has become concretised by long use? After discussion, it transpired that it is only a meagre amount, which has no effect on the actual take home salary. Also, it is not a part of service condition and salary, which can be relied on to for being part of legitimate expectation.



5. The learned counsel for the applicants urges before us that the decision to discontinue such practice was a fall in payment in effect, and therefore, it should have been reflected in the rules framed for the purpose. But then, there are no rules stipulating the grant of such mandatory honorarium. It is only a practice which had to be stopped by introduction of better process.

2/17

6. There is no such rule, which stipulates that Cashier shall also be accompanied by Class-IV employee. Merely because ~~of~~ a ^{rule} practice was there, on adequate precautions, taken in the interest of Railways and in public interest, such policy can also be changed, and it will not confer any right ~~on~~ any employee even though there ^{rule} may be deviation of small amount or benefit under such policy, but on deep inspection, this is not a policy at all but is a working methodology, which is now changed by the concerned authority. In short, a safer mechanism in the interest of public, which is provided by the Railways in the modern times, when such were not available to the Railways, probably Class-IV employee may have been used as supportive protection for cashier. But it is no longer of use in the present day. Therefore, there is no policy of engaging only Class-IV employee to accompany cashier. There is no rule supportive of such a policy, if it can be said so. Therefore the ^{rule} General Manager is competent enough to decide their daily working orders.



COMPARED &
CHECKED
Rm

7. In view of the above, we hold that there is no merit in both the Original Applications, and accordingly both the Original Applications are hereby dismissed. No order as to costs.

-sd-
(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER

-sd-
(DR. K.B. SURESH)
JUDICIAL MEMBER

CERTIFIED TRUE COPY
Dated ... 27/7/11

Kumawat/

सहायक अधिकारी (न्याय)
Section Officer (Judl)
केंद्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर बेंच, जोधपुर
Jodhpur Bench, Jodhpur.