

9/18

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

**ORIGINAL APPLICATION NO.160/2008
With
MISC. APPLICATION NO.83/2008**

Date of Order: 26.08.2010

**HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER
HON'BLE Mr. V.K. KAPOOR, ADMINISTRATIVE MEMBER**

Charan Dutt Sharma S/o Shri N.D. Sharma, aged about 63 years,
R/o Near Orphanage & City Dispensary No.4, Gajner Road, Bikaner
Rajasthan. Post: Retired from the post of Senior LOCO Inspector,
in the office of DRM, North-Western Railway, Bikaner, Rajasthan.
.....Applicant

Mr. K.D.S. Charan, proxy counsel for
Mr. Kuldeep Mathur, counsel for applicant.

VERSUS

1. The Union of India, through the General Manager, North Western Railway, Jaipur (Raj.).
2. The Divisional Railway Manager, North-Western Railway, Bikaner.
3. The Divisional Personnel Officer, North-Western Railway, Bikaner.
4. The Divisional Finance Manager, North-Western Railway, Rajasthan.

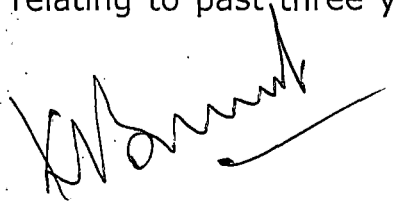
.....Respondents

Mr. Manoj Bhandari, counsel for respondents.

ORDER (ORAL)

(Per Hon'ble Dr. K.B. Suresh, Judicial Member)

Much ado about nothing is the crux of the matter. The applicant claims enhanced/revised rates of kilometerage allowance, as per his tour of duties performed during the years 1996, 1997 and 1998. The respondents submit that the proper application from the applicant has not been received even though the persons similarly situated were paid revised rates. They have the additional ground that the Railway Board directed them to keep records relating to past three years only. As per the respondents' version



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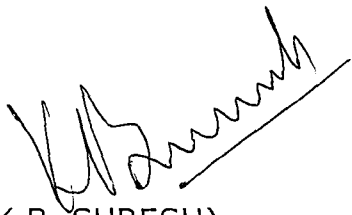
the applicant had submitted an application claiming kilometerage of allowance in the year 2004 only. So, if at all the applicant claim kilometerage allowance that could relate to the year 2001 onwards, therefore, they are unable to revise the rates on the basis of the materials/records available at that time.

2. This is actually a simple case of claiming kilometerage. Rates are available with the respondents as well as the kilometerage and kilometer charge is a numerical calculation. Therefore, the respondents are directed to recalculate and compute the rate and give payment to the applicant at the revised rates within a period of three months from the date of receipt copy of this order. OA is allowed as above no order as to costs.

3. Learned counsel for the respondents would submit at this time that there is delay in filing of the Original Application. The delay is not attributable to the applicant. Following the rulings of the Hon'ble Apex Court in catena of case, the applicant cannot be denied the benefit besides it is a part and parcel of the duty of Accounts Section to give him the correct pay. Looking at this aspect, for the failure on the part of the respondents, the respondents cannot reject the claim of the applicant on the point of limitation. Therefore, MA for condonation of delay is allowed. O.A. is thus allowed with no costs.


(V.K. KAPOOR)

Administrative Member


(Dr. K.B. SURESH)

Judicial Member

/Rss/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

ORDER SHEET

Misc APPLICATION NO. 4 OF 2009 in O.A. No. 160/2008

Applicant(s) V. D. Singh

Respondent(s) C. D. Sharma

Advocate for Applicant(s) Mr. Manoj Bhandari

Advocate for Respondent(s) Mr. Kuldeep Mahur

Notes of the Registry

This is a misc application filed by the respondents in O.A. for deletion of Respondents No. 4 in O.A. It is a S.B. case & pertains to jurisdiction of Jodhpur Bench.

Copy of M.A. already given to opposite counsel Mr. Kuldeep Mahur Advocate on 13/01/2009.

O.A. already listing on 23/01/2009, on searching it has no defects.

Sd/- Mr. Manoj Bhandari
14/01/09

Sd/-
14/01/09

Mr. Manoj Bhandari Adv. Counsel for the Applicants

Register. Put up in Court for admission on 23/01/2009, along with O.A.

REGISTRAR
C.A.T. JODHPUR

Orders of the Tribunal

MA No. 04/2009 in OA No. 160/2008
Date of Order: 23.01.2009

Learned counsel Mr. Manoj Bhandari, for the applicants (respondents in OA) has filed this M.A. for deletion of respondent No. 4 from the array of the respondents, and that therefore he prays for allowing the M.A., to which learned counsel Mr. D.S. Sodha, for the respondent (applicant in O.A.), has no objection.

Under these circumstances, this M.A. is allowed. Learned counsel for the applicant in O.A. prays for and is granted time to file amended cause title accordingly. List on 04.03.09.

Sd/-
[Dr. R.C. Panda]
Member (A)

Sd/-
[N.D. Raghavan]
Vice Chairman

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दिनांक 17/12/18 के आदेशानुसार
प्रेसी उपस्थिति में दिनांक 17/12/18
को भाग-II व III में लिखिए।

अनुभाग अधिकारी
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर न्यायपीठ, जोधपुर

RK
S-11
4/2/09
Per - K. Mehta per

FK
Ding on
02.02.09