

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No. 119 OF 2000.

Monday this the 7th day of February 2000.

CORAM:

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

V.S. Syed Ali, Bearer,  
Vegetarian Refreshment Room,  
Erode Junction, Southern Railway,  
Palghat Division, Palghat.  
(By Advocate Shri Siby J. Monippally)

Applicant

Vs.

1. Chief Personnel Officer,  
Southern Railway, Madras.
2. Chief Commercial Manager,  
Southern Railway, Madras.
3. Senior Divisional Commercial  
Manager, Southern Railway,  
Palghat Division, Palghat.
4. Union of India represented by  
its Secretary, Ministry of  
Railways, New Delhi.

Respondents

(By Advocate Shri Thomas Mathew Nellimoottil)

(The application having been heard on 7th February, 2000

the Tribunal on the same day delivered the following:)

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to declare that he is entitled to get pay and allowances and other consequential benefits as regular bearer from 10.11.1989 to 30.4.96 and to direct the respondents to grant pay, allowances and other consequential benefits to him for the period from 10.11.89 to 30.4.96.

2. The applicant says that he is now working as Bearer on regular basis in the Vegetarian Refreshment Room, Erode Junction. He entered the service as Commission Bearer on 8.4.1978 and was granted the status of salaried commission

Bearer on 12.1.1986. He was granted absorption as Bearer from 10.11.1989. He submitted a representation dated 29.7.98 to pay him the salary and allowances as regular bearer with effect from 10.11.89. Respondents did not act upon it.

3. According to applicant he was granted the status of Salaried Commission Bearer on 12.1.86. There is absolutely no evidence in support of the same. Applicant further says, that he was granted absorption as Bearer from 10.11.89. If that is so, there must be an order in writing. There is no order granting absorption produced.

4. The foundation of the applicant's case is based on his absorption as Bearer with effect from 10.11.89. That foundation can have strength only if there is an order to that effect. On the basis of no order granting absorption he cannot lay foundation for his case on the basis of the alleged absorption.

5. Applicant says that he has submitted A1 representation to the 2nd respondent. There in paragraph 3, it is stated thus: "The Principle of no work no pay is applicable to the facts and circumstance of the case." If that is so, there is no basis on the claim of the applicant.

6. The applicant has produced A2 dated 23.11.94 and A3 dated 26.11.92. A2 is a communication from Catering Inspector, Vegetarian Refreshment Room, Erode Junction addressed to Dy. ccm/Catering Madras. There is nothing to show that a copy of the same was marked to the applicant. How the applicant got a copy of this appears to be a secret.

7. A3 is a communication from the Senior DCM to Dy. CCM. Catering Madras. There also no copy is marked to the applicant. There also it is not known how the applicant got a copy of the same.

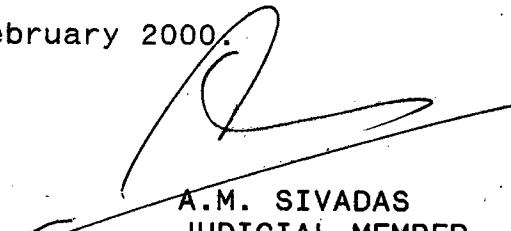
8. We do not find any ground much less any good ground to admit the O.A.

9. Accordingly the O.A. is dismissed.

Dated the 7th day of February 2000.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.M. SIVADAS  
JUDICIAL MEMBER

rv

**List of Annexures referred to in the order:**

**Annexure A1:** True copy of the representation made by the applicant dated 28.7.198 at Erode.

**Annexure A2:** True copy of the letter written by Catering Inspector, Gr. II, Vegetarian Refreshment Room, Erode Junction dated 23.11.1994.

**Annexure A3:** True copy of the letter written by Senior Divisional Commercial Manager, Palghat Division, dated 26.11.1992, to the Deputy Commercial Manager (Catering), Southern Railway, Madras.