

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.170 of 1994

Thursday, this the 23rd day of February, 1995

CORAM

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

V Ramadas
Motor Vehicle Driver
Office of the Carriage &
Wagon Superintendent,
Southern Railway,
Trivandrum-14

...Applicant

By Advocate Mr TCG Swamy.

Vs

1 Union of India through
the General Manager,
Southern Railway,
Madras-3.

2 The Divisional Personnel Officer,
Southern Railway,
Trivandrum-14.

3. The Senior Divisional Mechanical Engineer,
Southern Railway,
Trivandrum-14.

4 The Carriage & Wagon Superintendent,
Southern Railway,
Trivandrum-14.

...Respondents

By Advocate Mrs Sumathi Dandapani.

...2/-

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who was regularly absorbed as a Khalasi with effect from 23.8.82 claims that he has been working as a Jeep Driver from 17.9.82 to 13.9.88, on which date he was regularly appointed as Motor Vehicle Driver. He claims wages payable to a Jeep Driver for that period.

2. According to respondents, applicant has been working as a Jeep Driver from 17.9.82 (A-5) and by a letter A-6 dated 27.10.89 it was recommended that officiating allowances be paid to him. Respondents however, state that since there was no sanctioned post, the applicant could not be paid wages of a Jeep Driver.

3. Learned counsel for respondents strongly pressed the question of limitation. We notice that the claim for wages due to a Driver with effect from 17.9.82 was raised in OA-6/92 and the Tribunal stated:

"If he has such a claim, he may raise it before the competent authority. We see no reason to entertain or adjudicate upon that claim."

No plea of limitation was raised by respondents in OA-6/92.

Applicant represented to the competent authority and the impugned orders A3 have been passed as a result. We, however, find that the impugned order only rejects the claim for

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promotion and consequential benefits of Motor Vehicle Driver from 17.9.82 and does not refer to the claim for payment of wages for the period. It cannot be said, therefore, that the impugned order A3 disposed of the representation for wages made by the applicant consequent to the direction of the Tribunal in OA-6/92.

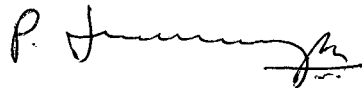
4. It is not in dispute that the applicant was performing the work of Jeep Driver from 17.9.82 on an informal basis. When a Jeep has been sanctioned, one would normally expect that the post of Jeep Driver would also be sanctioned in order to utilize the Jeep. We do not understand why the post of Jeep Driver could not be sanctioned when a Jeep was sanctioned. Since the impediment to the grant of prayer (a) for wages of a Jeep Driver is only due to non-sanctioning of the post of Jeep Driver, we direct respondents to consider either grant of exemption from the rules and pay applicant the wages of Jeep Driver for the period applicant performed the work of a Jeep Driver, or, in the alternative, consider the sanction of a post of Jeep Driver for the relevant period for the limited purpose of paying applicant the wages of a Jeep Driver, provided the applicant is fully qualified under the relevant rules to hold the post of Jeep Driver on

....4/-

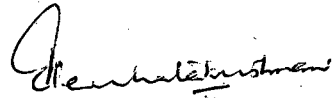
17.9.82. Since the applicant was not regularly appointed as Motor Vehicle Driver on 17.9.82, we hold that he is not entitled to overtime allowance and dismiss prayer (b).

5. Application is disposed of accordingly. No costs.

Thursday this the 23rd day of February, 1995.



P SURYAPRAKASAM
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

List of Annexures

1. Annexure A3: True copy of the letter No.V/P.535/
XII MV Driver/Vol.6 dt.30.9.93 issued
by the Divisional Personnel Officer,
Trivandrum(2nd respondent)
2. Annexure-A5: True copy of the letter No.TVC 8 dt.
31.12.1982 issued by the Carriage &
Wagon Supdt., Trivandrum (4th respondent)
3. Annexure-A6: True copy of the letter No.V/A 226/XIV/
Jeep Driver/IPM dt. 27.10.89 submitted
by the applicant along with his repre-
sentation at A2.