

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

O.A. No. 32 of 2006

Date of order : 18.2.10

C O R A M

Hon'ble Mrs. Justice Rekha Kumari, Member [J]
Hon'ble Mr. Sudhir Kumar, Member (A)

Ram Lakhan Sah, S/o Shri Janak Sah, r/o Railway Quarter No. 42/IA Islampur Railway colony, P.O and P.S. Islampur, District – Nalanda.

....Applicant

By Advocate : Shri G. Saha.

Vs.

1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali.
2. The General Manager[Personnel] / Chief Personnel Officer, East Central Railway, Hajipur, Vaishali.
3. The Chief Administrative Officer [Construction] North Eastern Railway, Gorakhpur.
4. The Dy. Chief Engineer [Cons] , 3, Samastipur Division, East Central Railway, Hajipur, Vaishali.
5. The Divisional Railway Manager, Danapur division, East Central Railway, Danapur.
6. The Senior Divisional Engineer [Co-ordination], Danapur division, East Central Railway, Danapur.
7. The Senior Divisional Finance Manager, Danapur division, East Central Railway, Danapur.
8. The Assistant Engineer, Line, Patna Junction, Patna.
9. The Section Engineer, [P. Way], Patna Junction, Patna.
10. The Permanent Way Supervisor, Hilsa, District – Nalanda.

....Respondents

By Advocate : Shri Nirmal Kumar.

O R D E R

Justice Rekha Kumari, M [J] :- In this OA the applicant had originally claimed several reliefs. However, subsequently, in order to avoid the vice of plurality of reliefs, the other reliefs were deleted and the only relief for

direction to the respondents to make officiating allowance for discharge of duty of Key-man, with arrears thereof with interest remains. The OA, therefore, would be confined to the determination of said relief.

2. The case of the applicant in this regard is that he was a Gang-man, and as per direction of the Senior Divisional Engineer [Coordination], Danapur Division, East Central Railway, he reported to respondent No. 9, Section Engineer [Permanent Way] , Patna on 12.05.04, who in turn directed him to work in Patna Islampur Section between Hilsa and Islampur. He immediately started his duty as Track-man under respondent No. 9. His further case is that besides his entitlement for promotion to the higher post of Key-man, inspite of representation, the same was not granted to him. His case also is that the respondents have been taking work of Key-man from him since 22.09.04 continuously without any financial benefits though he is legally entitled to officiating allowance at the rate of at least 20 %. The applicant, hence, has prayed for officiating allowance from 22.09.04 to the date of filing of the OA, with interest.

3. The respondents in their written statement have stated that when the Key-man remains absent, his work is taken from the Gang-man, but for that no officiating allowance is admissible. There is also no order of any competent authority, directing him to work as Key-man.

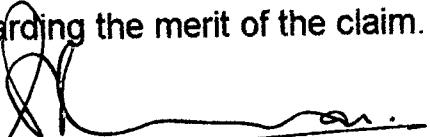
4. The learned counsel for both the sides were heard.

5. The applicant has filed a copy of the order said to have been written and signed by Permanent Way Supervisor dated 21.09.04 to show that he was asked in writing to work as Key-man with effect from 22.09.04.

6. It, however, appears from the OA and the Annexure filed with the OA that the applicant never earlier claimed officiating allowance for working as Key-man. He had never filed any representation before the competent authority for this allowance. Therefore, without exhausting the departmental remedy available to him, he has preferred the claim directly before this Tribunal. The relief sought for, hence, cannot be allowed in view of Section 20 of the Administrative Tribunals Act.

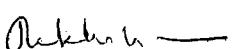
7. The applicant, if so advised, may file representation, and in that event, the competent authority would pass a reasoned order within three months of the receipt of representation, in accordance with rules.

8. With the above observations, this OA stands rejected. It is, however, made clear that no view has been expressed by this Tribunal regarding the merit of the claim.



[Sudhir Kumar] M [A]

cbs/



[Rekha Kumari] M [J]