

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.454/88

Mr.B.V.Pai,
 C/o.Mr.T.R.Talpade,
 Advocate,
 Narottam Niwas,
 308,Jawaji Dadaji Road,
 Nanachowk,
 Bombay-400 007. Applicant

vs.

1. Union of India
 through
 The General Manager,
 Central Railway,
 Bombay V.T.
 Bombay 400 001.
2. Divisional Rail Manager(P),
 Central Railway,
 Bombay V.T.
 Bombay - 400 001.
3. Chief(Signal & Tele-
 communication)Engineer,
 Central Railway,
 Bombay V.T.
 Bombay - 400 001. Respondents.

Coram: Hon'ble Member(J)Shri M.B.Mujumdar
 Hon'ble Member(A)Shri M.Y.Priolkar

Appearances:

1. Applicant
 in person.
2. Shri J.G.Sawant,
 Advocate for the
 Respondents.

Oral Judgment:

[Per M.B.Mujumdar,Member(J)] Date: 7.11.1989

Heard the applicant in person and
 Mr.J.G.Sawant, learned advocate for the
 respondents.

2. The applicant has requested for adjournment as his advocate is unable to come to the Tribunal, but we have adjourned this case for admission on 12 or 13 occasions. We would have still given one more adjournment but in view of the facts we do not think it necessary to adjourn the case again.

3. The respondents have filed their written

-: 2 :-

statement opposing admission and the applicant has also filed a rejoinder thereto.

4. The applicant joined Central Railway as Khalasi in 1954 and now he is working as Telecom Maintainer "A" grade and he is to retire from that post on 31.12.1989 on attaining 58 years. He has filed this application on 22.6.1988 under Section 19 of the Administrative Tribunals Act. He has made five or six prayers in the application. The first prayer is for granting advance increment to him as he had worked and remained loyal to the Railways during the strike of railway employees in 1960. The second prayer is for granting advance increment to him as he had remained loyal and worked during the strike of railway employees in July, 1974. His third prayer is for granting overtime allowance for working during the strike in July, 1974. On this account he has claimed an amount of Rs.327/- His fourth prayer is for directing the respondents to give him accelerated promotion as he has worked during the strike periods in 1960 and 1974. His last prayer is for promoting him to the equivalent grade from the date his junior Shri Balbhau has been promoted. He has also prayed for consequential benefits like fixation of pay and arrears.

5. After carefully considering the facts and the reply of the respondents we are of the view that the applicant is not entitled to any of these reliefs.

6. According to the respondents no special benefits were granted to those who had remained loyal and worked during the period of strike of railway employees in 1960. Applicant has not clarified how and on what basis he is entitled to advance increment because he had worked during that strike period. As regards the second strike in 1974, the respondents has stated that they have given one increment to the applicant as he had worked for the major period during the strike. Hence second prayer does not survive. According to the instructions he was not entitled to any other benefits. Hence he is not entitled to third and fourth prayers. As regards promotion on the ground that his junior Balbhau was promoted we find from the reply that Shri Balbhau was promoted because he had passed the suitability test for promotion to the post of Telecom Maintainer "A" grade in 1979, while the applicant had failed in that test for that post.

7. In result we find that the application is misconceived and without any substance. The prayers are barred by limitation also. Hence we reject the application summarily, with no order as to costs.

(M.Y.PRIOLKAR)
Member(A)

(M.B.MUJUMDAR)
Member(J)