

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

5

O.A. NO: 11/89

199

T.A. NO:

DATE OF DECISION 26 -11-1992

Shri S.R.Mukherjee

Petitioner

Shri H.J.Acharya

Advocate for the Petitioners

Versus

Union of India: Through General Respondent

Manager, Western Railway, Churchgate,
Bombay & Ors.

Shri N.K.Srinivasan

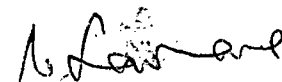
Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Usha Savara, Member (A)

The Hon'ble Mr. C.J.Roy, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?


(Ms. Usha Savara)
Member(A)

mbm*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

6

O.A. No. 11/89

S.R.Mukherjee

...

Applicant

vs

The Union of India
Through General Manager,
Western Railway,
Churchgate, Bombay and Ors...

Respondents

Coram: Hon'ble Ms. Usha Savara, Member(A)

Hon'ble Mr. C.J.Roy, Member (J)

Appearance:

Mr. H.J.Acharya, Adv.
for the applicant

Mr.N.K.Srinivasan, Adv.
for the respondents.

Dated: 26 -11-1992

Judgement

(Per: Hon'ble Ms. Usha Savara, Member(A))

The application is filed in respect of applicant's representation dated 6.4.88 (Anex.2) by which he had requested Respondent No.2 to pay him the difference of pay and allowances due to him from the date he was looking after the duties and responsibilities of the post of Catering Inspector Gr.III i.e. 5.2.87, on which day the post had been transferred to Provision Stores, Bombay Central. The applicant had prayed for overtime due to him from 30.11.80 to 31.12.83, and for officiating allowance from 1.1.89, but the application was ~~admitted~~ only with regard to the 2nd prayer, as the 1st prayer was barred by limitation.

Mr. Acharya, learned counsel for the applicant submitted that the applicant had been asked by Respondent No.4

to look after the duties and responsibilities of the post of Catering Inspector Gr.III after one post of Catering Inspector was transferred from 171 Dn/172 Up to Provision Stores (PS, BCT) on 5.2.87. The applicant requested for payment of officiating allowance by letter dated 6.4.88.

The applicant was promoted to the post of Catering Inspector by Memo dated 17.5.88 (Annex.3) on restructuring of cadre in the grade of Rs.425-640 with effect from 1.1.84, but the vacancy in the higher grade post of Catering Inspector Gr.II in the scale of Rs. 550-750 was not filled, and the applicant continued to shoulder the responsibilities of the post. The applicant was entitled to officiating allowance for working in the higher scale, but his representations have borne no fruit, and he has been denied his legitimate dues.

Shri Shrinivasan appearing for the respondents submitted that the applicant's grievance relating to payment of arrears on account of difference in pay and allowances raised by his representation dated 6.4.88, had already been remedied by the order promoting him as Catering Inspector Gr.III with effect from 1.1.84. The applicant had also been paid the arrears arising out of his promotion. The respondents have categorically denied that the applicant was performing the duties and carrying the responsibilities in the higher grade.

A rejoinder has been filed by the applicant, but no document has been brought on record to substantiate his claim for officiation allowance. The applicant claims to have handed over the charge of the higher grade post on 1.7.89 to one Shri Narayan Hegde, but even the "handing over" report has not been brought on record as evidence. The claim of the applicant is not based on any material evidence.

In the circumstances, we are of the opinion that the application is devoid of merit, and is, therefore, dismissed leaving the parties to bear their own costs.

[Signature]
(C.J.Roy) 26/11/92
Member(J)

[Signature] 26.11.92
(Ms.Usha Savara)
Member(A)