

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 431/89
XXXXXXN6

198

DATE OF DECISION 17.6.1991

Shri Harendra Jha.

Petitioner

Shri D.B.Dave.

Advocate for the Petitioner(s)

Versus

Union of India & another

Respondent

Shri N.K.Srinivasan.

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. U.C.Srivastava, Vice- Chairman.

The Hon'ble Mr. M.Y.Priolkar, Member(A).

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

(M.Y.PRIOLKAR)
MEMBER(A)

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Original Application No. 431/89

Harendra Jha

... Applicant.

V/s.

Union of India through General Manager
Western Railway, Churghgate, Bombay.

Divisional Railway Manager,
Western Railway, Bombay Central. ... Respondents.

CORAM: Hon'ble Vice Chairman Shri U.C. Srivastava
Hon'ble Member (A) Shri M.Y. Priolkar.

Appearance.:

Applicant by Shri D.B. Dave.

Respondents by Shri N.K. Srinivasan.

Oral Judgement

Dated: 17.6.91

(Per Shri M.Y. Priolkar, Member (A))

The grievance of the applicant in this case is that while he was working as Chief Booking Supervisor at Borivli he was ordered by Senior Divisional Commercial Superintendent, Western Railway, Bombay Central to look after the duties of the Commercial Inspector, Western Railway, Goregaon.

This order was passed in writing by him on the sick note dated 25.2.1986 of Shri F.R. Athaide. On the same sick note the same order was again repeated by the Divisional Commercial Superintendent, Western Railway Bombay Central. Because of this endorsement on the sick note, the applicant held the dual charge of both the posts of Chief Booking Supervisor, Borivli and also Commercial Inspector at Goregaon.

2. Since Mr. F.R. Athaide had not resumed his duties for a long period the applicant continued to perform the functions of both these offices upto

18.11.1986. His grievance now is that his claim for dual charge allowance for the period from 25.2.1986 to 8.11.1986 has neither been approved nor rejected, in spite of various representations made by him in 1987 and 1988.

3. In their written reply, the only plea that is taken by the respondents to deny the applicant the dual charge allowance is that he was merely asked to look after the duties of the second post and also that the sanction of the competent authority, which is the Railway Board in this case, has not been obtained. The circumstances in which the prior approval of the Railway Board as required under the rules was not obtained has not been explained. It is also stated that there is no written order addressed to the applicant to discharge the duties of the second post although it is clear from the TA bills of the applicant which were approved by his superior officer that he had been performing the duties of the post at Goregaon in addition to his post at Borivli. Hence dual charge had continued for a considerable period and the circumstantial evidence shows that the applicant had discharged functions of both the posts and the delay if any in obtaining prior approval of the competent authority solely lies on the respondents.

4. In these circumstances, the applicant deserves to succeed. Accordingly we direct the respondents to sanction the dual charge allowance in accordance with the rules for the period in question and pay the same to the applicant within two months from the date of receipt of a copy of this order. No order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


(U.C. SRIVASTAVA)
VICE CHAIRMAN