

(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

R.P.No. 121/94 in O.A. 836/92

Vithal R. Shinde &  
Govindbhai H. Dabhi

.. Applicants

Vs.

Union of India & Ors.

.. Respondents

CORAM : Hon'ble Shri. M.R.Kolhatkar, Member (A)

TRIBUNAL'S ORDER BY CIRCULATION

DT : 17-11-94

(Per. Shri.M.R.Kolhatkar, M(A) )

This Review Petition is against our judgment dated 30/6/1994. The first ground for review urged is that the Supreme Court in its judgment in G.C.Ghosh V/s. Union of India, held that the benefit of running allowance allowed to the drivers of Northern Railway should be allowed to the running staff of Eastern Railway also. This ground does not appeal to us as this aspect has been dealt with in para 3 of the judgment.

2. The next point <sup>urged</sup> is that although the Tribunal did not give weight to the Railway Board instruction dated 25.11.92, the matter was actually on the agenda <sup>though</sup> earlier <sup>decision</sup> <sup>2</sup> decision was taken after retirement of the applicant. Reading of the order shows that the Railway union had raised the issue in the G.C.M in December 1989 i.e. immediately after retirement of both these applicants. This ground is not valid

because whatever the steps through which the decision is arrived at, the decision became effective only from the date of issue of this instruction viz. on 25.11.1992.

3. The third ground is that the Tribunal had, erroneously come to the conclusion that they were paid 30% allowance over and above their pay, whereas the rule on this point was cancelled on 26.6.74 vide page 28 of the application. Here again the question was raised by the applicant and it was dealt with by the Respondents to which the Tribunal had made <sup>a</sup> reference. If 30% allowance has been discontinued with effect from 26.6.74, the reference made thereto by the applicant himself was wrong. In any case, nothing turns on this question.

4. Lastly, the applicant has annexed a copy of Railway Board Circular No. F(E)(P)58/PN-1/17 dated 7.7.1960 which states that average running allowance actually drawn under the relevant rules would be 50% of the substantive emoluments for the same periods of officiating duty in a stationary post. Here again the circular referred to is that of July 1960 whereas the application was filed on 5.8.92 and the matter was heard and decided on 30/6/1994. It is not clear why the applicant was not able to produce the circular at the time of hearing and /or at the stage of filing of the application. In any case that circular is not an authority for payment of running allowance to the staff who had never worked as running staff, not having given willingness to work.

5. The parameters of review are strictly limited and we do not find that the grounds for review adduced by the applicant fall within those parameters and we do not consider this a fit case for review. The R.P is rejected.

MR Kolhatkar  
(M.R.Kolhatkar)  
Member (A)