

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
ATM HYDERABAD

O.A.NO. 496 of 1989

Date of Order: 06/12/1989

Mr.K.R.Umananthan and others

..Applicants

Versus

Union of India, rep. by its Secretary,
Ministry of Transport, Department of
Railways, Railway Board, Delhi and
another

..Respondents

For Applicant:

MR.N.RAMA MOHAN RAO, ADVOCATE.

For Respondents:

MR.P.VENKATARAMA REDDY,
Standing Counsel for Railways

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

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(Judgment delivered by Shri B.N.Jayasimha, Vice Chairman)

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1. This is an application filed by 17 Instructors in the Indian Railways Institute of Signal Engineering and Telecommunication, Secunderabad (Non-gazetted Instructors), questioning the action of the respondents in not granting teaching allowance with effect from 1-1-1986.

2. The applicants state that the Railway Board has set-up an Institution known as Indian Railways Institute of Signal Engineering and Telecommunication in the year 1957 at Secunderabad to achieve higher level of professional competence by imparting training which will tone up the efficiency and competence in discharging of the duties

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assigned to the officers. In keeping with the objective to be achieved in this Institution, men who are already in the employment of the Railways were invited to take up the teaching assignment in this Institution on deputation basis. The applicants are all such who have been attracted to take up the teaching assignment in the said Institution. The teaching part in this Institution includes training in Signal Engineering, Communication Engineering, Power Electronics and Computer Technology. The teaching staff consists of a Director, Dean, 3 Senior Professors, One Professor, 7 Assistant Professors, 6 Lecturers and several Instructors. Upto the cadre of Lecturers Gazetted Officers of the Railways are drawn to fill up this faculty. So far as the Instructors are concerned they are all drawn from the Non-Gazetted cadres of the Organisation. The Gazetted Faculty members are essentially required to take up theory classes and there is no prescribed theory class work load as such, whereas, the non-gazetted Faculty Instructors are essentially required to impart practical training to all the categories of the trainees. The applicants state that ever since the inception of the Institution, both the officers and Instructors were granted 'Teaching allowance' and the benefit has been continued till 31-12-1985. However, the Fourth Pay Commission did not allow the special pay to be continued to both Gazetted and Non-gazetted staff in view of the new scales of pay recommended. Subsequently, the Railway Board, in order to improve the quality of training imparted in the training institutions and attract the best trainer talent, vide their letter dated 15-9-1986 have conveyed their decision to grant teaching allowance to the Faculty members of various Centralised Railway Training Institutions but

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restricted the grant only to gazetted staff. In pursuance to the sanction conveyed by the Board, the gazetted staff have derived benefit and drawing teaching allowance with arrears from 1-1-1986. Aggrieved by the said action of the Railway Board, the non-gazetted staff sent representations to the Member Staff. Accordingly the Board vide their letter dated 11-5-1988 granted the Teaching Allowance to the non-gazetted Instructors. But, while according sanction to the payment of teaching allowance, the Board decided that the orders will take effect from the date of issuance of the Board's letter dated from 11-5-1988. Aggrieved by the said decision of the Board, the applicants have filed this application seeking a direction to the respondents to effect implementation of the grant of teaching allowance to the non-gazetted instructors from 1-1-1986.

3. We have heard the learned counsel for the Applicant and Shri P.Venkatarama Reddy, Standing Counsel for Railways.

4. The learned Standing Counsel for the Railways says that the Ministry of Railways have considered the question relating to the grant of Teaching Allowance with effect from 1-1-1986 in consultation with the other Ministries and it has been decided to grant the benefit to such staff as are considered eligible with effect from 1-1-1986 instead of 10-5-1988 and ~~xxx~~ it is also proposed to give them arrears in consultation with the associate finance. As the Railway Board has

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considered the case of the applicants, there is no need to go into the merits of the case and no further orders are required. In these circumstances, as the Railway Board propose to give the benefit from 1-1-1986 to the applicants also, no further directions are required. The matter is disposed of accordingly. No costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
VICE CHAIRMAN

(Dictated in Open Court)
Dt. 6th December, 1989.

S. Venkatarao
Deputy Chairman
11-12-89

SQH*

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To

- 1). The Secretary, Ministry of Transport, Dept. of Railways, Railway Board, New Delhi.
- 2). The Director of Indian Railway Institution of Signal Engineering, Telecommunications, South Lalguda, Secunderabad
- 3). One copy to Mr. N. Rammohana Rao, Advocate, 714 'B' Block, Brundavan Apartments, Red Hills, Hyderabad.
- 4). One copy to Mr. P. Venkata Rama Reddy, SC for Rlys, CAT, Hyd.
- 5). One spare copy.
- 6) one copy to D.R. (S): HYDERABAD
C.A.T

W. K. S. Rao
11/12/89

12/12/89

Draft by *at* Checked by: Approved by
D.R.(J)

Typed by: *at* Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.)

AND

HON'BLE MR.D.SURYA RAO: MEMBER (JUDL)

AND

HON'BLE MR.D.K.CHAKRAVORTY: MEMBER: (A)

AND

HON'BLE MR.J.NARASIMHA MURTHY: MEMBER (J)

DATED: 6/12/89 ✓

ORDER/JUDGMENT

M.A./R.A./C.A./No. in

T.A.No. (W.P.No.)

O.A.No. 496/89 ✓

Admitted and Interim directions
issued.

Allowed.

Dismissed.

Disposed of with direction. DESPATCH

M.A. Ordered.

No order as to costs.

Central Administrative Tribunal
12 DEC 1989
HYDERABAD BENCH.

Sent to Xerox on:

12/12/89