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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Date of Order: 18.12.1992.

O.A.No.22/92

BETWEEN:

Dadi Appa Rao

.. Applicant.

A N D

1. Union of India,
Represented by General Manager,
South Eastern Railway,
Garden Reach, Calcutta.

2. The Divisional Railway
Manager, S.E.Railway,
Visakhapatnam.

3. The Sr. Divisional Mechanical
Engineer, S.E.Railway,
Visakhapatnam.

4. The Divisional Personnel
Officer, S.E.Railway,
Visakhapatnam.

.. Respondents.

Counsel for the Applicant

.. Mrs. S.Vani

Counsel for the respondents

.. Mr. N.R.Devraj, S.
Rly.

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

--- T.C. a

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Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandra Sekhara Reddy, Member(Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to pay dual charge allowance to the applicant from 29.9.1986 to 30.11.1989 and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this O.A. in brief are as follows:-

The applicant while working as Shed Foreman in South Eastern Railway, Waltair was transferred to Rayaghada on promotion as Junior Fuel Inspector. He took over charge as the Junior Fuel Inspector on 17.6.1986. While so holding the charge of Junior Fuel Inspector, the Shed Foreman Kasi Reddy, who was transferred, was directed to hand over charge to the applicant through an office order dated 2.9.1986 issued by the Second respondent. In pursuance of the said order, the said Sri Kasi Reddy handed over charge to the applicant on 29.9.1986. According to the applicant from then onwards, ^{he} held additional charge as Shed Foreman, till he retired on 30.11.1989. It is the case of the applicant that he is entitled for dual charge allowance for the said period from 29.9.1986 upto his date of retirement 30.11.1989 as he has been discharging the duties ⁱⁿ ~~at~~ the post of Junior Fuel Inspector as well as of Shed Foreman.

3. We have heard today Smt.S.Vani, Advocate for the applicant and Mr.N.R.Devraj, Standing Counsel for the respondents.

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To

1. The General Manager, Union of India,
South Eastern Railway, Garden Reach, Calcutta.
2. The Divisional Railway Manager, S.E.Rly, visakhapatnam.
3. The Sr.Divisional Mechanical Engineer, S.E.Rly,
visakhapatnam.
4. The Divisional Personnel Officer,
S.E.Rly, visakhapatnam.
5. One copy to Mrs.S.Vani, Advocate, 1-9-642/1, Vidyanagar, Hyd.
6. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
7. One spare copy.

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4. This O.A. admittedly is filed on 23.12.1991. The applicant had retired as already indicated on 30.11.1989. The applicant has approached this Tribunal more than 2 years after his retirement. In view of the provisions of Section 21 of the Administrative Tribunals Act the maximum period permissible to approach this Tribunal for redressal of his grievance is 18 months from the date of grievance. The applicant has approached this Tribunal beyond the period of limitation prescribed under Section 21 of the Administrative Tribunals Act. So, in view of this position, this O.A. is liable to be dismissed as time barred.

5. We have also examined the merits of this O.A. Admittedly the Competent authority had not placed the applicant in the additional charge of Foreman. As it is evident from the pleadings it is only by means of an office order that the applicant had been placed in additional charge of the post of Shed Foreman. In view of the provisions of FR 49, no additional pay is admissible to the applicant due to the fact that the appointment to the additional post is not made by competent authority nor the applicant is placed in additional charge of the post of Shed Foreman by competent authority. So, we see no merits in this O.A. and this O.A. is liable to be dismissed and accordingly is dismissed, leaving the parties to bear their own costs.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 18th December, 1992

(Dictated in Open Court)

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82/12/92
Deputy Registrar (J)

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②
TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY

APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 18-12-1992

ORDER/JUDGMENT:

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

in

O.A.No.

22/92

T.A.No.

(W.P.No.)

Admitted and Interim directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

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