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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.699/93

Date of Order: 22.2.1994

BETWEEN:

A.D.Lewis

.. Applicant.

A N D

Union of India, Rep. by:

1. The Secretary,
Railway Board,
Rail Bhawan, New Delhi.
2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The Principal,
Railway Staff College,
Vadodara, and
4. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam, Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.M.C.Pillai

Counsel for the Respondents

.. Mr.V.Bhimanna

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

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

TSR
J.

ORDER

Q As per Hon'ble Shri A.B. Gorthi, Member (Admn.) Q

The applicant who joined the Railways in 1955 was promoted to Gazetted Rank in April 1970 and was later selected and posted as the Principal, Zonal Training School, South Central Railway, Maula-Ali, Hyderabad where he worked from 4.1.1989 to 25.6.1989. Thereafter, he was posted as Course Director in the newly formed Integrated Course Training Centre for Group - B Officers of Indian Railways at Secunderabad from 17.1.1990 to 22.8.1991. He retired on superannuation from Railway Service on 28.2.1993. The claim of the applicant is, for a direction to the respondents to pay him Teaching Allowance in accordance with Railway Board letter dt. 28.3.1989 for the duration of his appointment as Course Director. The amount of Teaching Allowance admissible under the said Railway Boards letter is 30% of the Basic Pay.

2. The respondents in their counter affidavit have stated that as per Railway Boards letter dt. 28.3.89 read with the Railway Ministry letter of 11.5.88, Teaching Allowance was to be granted only to Faculty Members drawn on deputation for the purpose of imparting training in the 9 Zonal Training Schools, 9 System Training Schools and 3 Technical Training Schools. The Integrated Course

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Centre which was set up at Secunderabad was as stop gap arrangement on account of the fact that the Training Courses, which was to be conducted at the Railway Staff College, Vadodara, could not be so conducted at Vadodara for administrative exigencies. To cope up with the situation, it was decided to set up the Integrated Course Centre at Secunderabad, and to administrate and run the same the applicant was appointed as it's Course Director. As the Integrated Course Centre at Secunderabad did not fall within any of the specified categories of Institutions specified in the relevant Railway Board letter, the applicant would not be entitled to Teaching Allowance.

3. We have heard learned counsel for both the parties. Mr. M.C. Pillai learned counsel for the applicant urged before us that the applicant was fully qualified to be a Faculty Member as would be evident from the fact that prior to his appointment as Course Director, he was working as the Principal of the Zonal Training School, Hyderabad. In that capacity the applicant was in receipt of the Teaching Allowance. The next point urged before us by Mr. M.C. Pillai is, that the Training imparted to Group B Officers at Secunderabad used to be imparted earlier at the Railway Staff College, Vadodara. The concerned Faculty Members/Course Directors were being paid the Training Allowance. Our attention has been drawn to a communication

from Mr. M. Wala Senior Professor (TM) Railway Staff College, Vadodara. The said communication is to the effect that since the Course Director nominated for organising the Integrated Course for Group B Officers at Secunderabad virtually took over the duties and responsibilities which would have otherwise been ~~those~~ performed by the Course Director of the Railway Staff College, Vadodara, he should be given Teaching Allowance notwithstanding the fact that the Integrated Course at Secunderabad was not a part of any Zonal Training Establishment. The letter further states that grant of Teaching Allowance to the Course Director would provide him ^{with} the right incentive for shouldering the onerous responsibility.

4. In the rejoinder filed by the applicant, it is averred that the Integrated Course Centre at Secunderabad has since been shifted to Trichirapalli where is now functioning on a regular basis. It is further stated that at Trichirapalli Training Centre, Teaching Allowance is being paid to the Course Director and the Faculty Members.

5. From the afore stated facts, it is obvious that the applicant while holding the appointment of Course Director was performing the duties and shouldering the responsibilities similar to those of a Course Director who conducted similar courses at the Railway Staff College,

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To

1. The Secretary, Union of India,
Railway Board, Railbhavan, New Delhi.
2. The General Manager,
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3. The Principal, Railway Staff College,
vadodara.
4. The Chief Personnel Officer,
S.C.Rly, Railnilayam, Secunderabad.
5. One copy to Mr.M.C.Pillai, Advocate, CAT.Hyderabad.
6. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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To

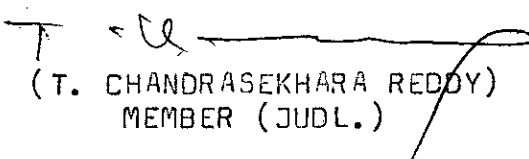
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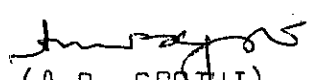
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Vadidara in the past. It is also stated that for performing the same duties at Trichirapalli Course Centre the present incumbent of the post of Course Director is being paid teaching allowance. Admittedly the applicant is a qualified and competent person to be the Course Director and was duly posted as such under orders of the competent authority. He satisfactorily performed the duties of a Course Director for the period from 17.1.90 to 22.8.91. We see no reasonable justification for denying him the benefit of teaching allowance as is admissible to a Course Director under the extant instructions. We have nothing on record to establish that the present Course Director at Trichirapalli is being paid teaching allowance. The applicant will be entitled to similar treatment. The respondents will however verify this aspect. Subject to this observation we dispose of this application with a direction to the respondents to allow the teaching allowance to the applicant for the period from 17.1.90 to 22.8.91, when he worked as the Course Director of the Integrated Course Training Centre for Group B Officers at Secunderabad. Respondents to comply with the order within a period of 3 months from the date of communication. No order as to costs.


(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)


(A.B. GORTHI)
MEMBER (ADMN.)

Dated : The 22nd February 94.
(Dictated in Open Court)

TYPED BY

COMPALED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE JUDGE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER
(ADMN)

Dated: 22-2-1994.

ORDER/JUDGMENT:

M.A./P.A./C.A. No.

in

O.A.No.

699/93

T.A.No.

(W.P.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

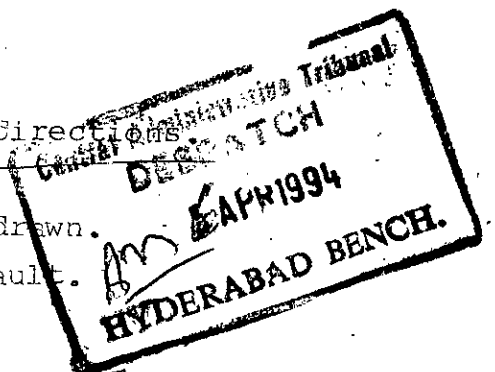
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



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