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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.1431 of 1993.

Between

Dated: 26.9.1995.

Mr. K.Subrahmanyam

...

Applicant

And

1. Union of India, rep. by its General Manager, S.C.Rly, Rail nilayam, Secunderabad.
2. The Chief Personnel Officer, S.C.Railway, Rail Nilayam, Secunderabad.
3. The FA & CAO, S.C.Railway, Rail Nilayam, Secunderabad.
4. The Controller of Stores, S.C.Railway, Rail Nilayam, Sec'bad.
5. The Principal Supervisor's Training Centre, Secunderabad.

...

Respondents

Counsel for the Applicant : Sri. P.V.R.Sharma

Counsel for the Respondents : Sri. V.Bhimanna, SC for Rlys.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:....2/-

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DA 1431/93.

Dt. of Order:26-9-95.

(Order passed by Hon'ble Shri A.B.Gorthi,  
Member (A) ).

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In this O.A. the relief claimed by the applicant is for grant of teaching allowance for the period that he worked as instructor in the Systems Training School, Lalguda.

2. The applicant while working as DSK Gr.II was selected and empanelled for Instructor (NON-Ministerial) in the grade of Rs.2000-3200. The applicant <sup>had</sup> / the option either to select fixation of pay in the scale of Rs.2000-3200 or to draw pay in scale of Rs.1640-2900 and draw teaching allowance under the existing orders. The applicant opted for the higher grade of pay of Rs.2000-3200. As the applicant had elected for the higher scale of Rs.2000-3200, the Respondents contend that he was not entitled to claim teaching allowance.

3. Heard learned counsel for both the parties. Shri PVR Sharma, learned counsel for the applicant/<sup>has</sup> drawn my attention to O.A.1105/91 decided on 26-4-94 and also the decision of the Tribunal in O.A.636/90. It is stated that the applicants in the said OAs <sup>were</sup> /o similarly situated as the applicant in the present O.A. and that the Tribunal vide its orders directed the respondents to pay teaching allowance to the applicants in the said OAs. Further in the reply affidavit filed on behalf of the applicant, it was categorically mentioned that

*[Handwritten mark]*

(11/11/57)

Copy to:-

1. The General Manager, Southcentral Railway, Union of India, Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer, S.C.Railway, Rail Nilayam, Sec'bad.
3. The FA & CAO, South Central Railway, Rail Nilayam, Secunderabad.
4. The Controller of Stores, South Central Railway, Railnilayam, Secunderabad.
5. The Principal Supervisor's Training Centre, Secunderabad.
6. One copy to Sri. P.V.R.Sharma, advocate, Advocates Associations, High Court Building, Hyd.
7. One copy to Sri. V.Bhimanna, SC.for Rlys, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

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Sri P.Mohan, a colleague of the applicant in the Systems Technical Training School during the period from August, 1989 to October, 1992 was paid a sum of Rs.27,002/- vide cheque No.019819 dt.6-10-93 by the office of the Respondent No.3 towards part payment of arrears of teaching allowance. Although in the O.A. an averment was made that some similarly situated employees were being paid teaching allowance denying <sup>similar</sup> benefit to the applicant, the Respondents have not <sup>refused</sup> the same in their counter affidavit.

4. Keeping in view the above circumstances, the Respondents are hereby directed to verify whether Sri P.Mohan, who is similarly situated as the applicant in this O.A. in regard to his eligibility for claiming ~~xxx~~ teaching allowance and if so, keeping in view the fact that Sri P.Mohan was paid teaching allowance, pay the applicant also the teaching allowance that was due to him in accordance with the extant rules. This shall be done by the Respondents within a period of three months from the date of communication of a copy of this order. No order as to costs.

*(Signature)*  
 (A.B.GORTHI)  
 Member (A)

Dt.26th September, 1995.  
 Dictated in Open Court.

*(Signature)*  
 Dy. Registrar (S)

avl/

Costs --- 4/-

TYPED BY

07A-1431/93  
CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRA-  
TIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 26/9/1995.

~~M.A./R.A./C.A.NO.~~

IN

O.A.NO.

1431/93

~~T.A.NO.~~

~~(W.P.NO.)~~

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

~~DISPOSED OF WITH DIRECTIONS.~~

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED:

~~NO ORDER AS TO COSTS.~~

\* \* \*

Rsm/-

9  
No spare copy

Central Administrative Tribunal  
DESPATCH  
13 OCT 1995  
HYDERABAD BENCH

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