

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1210/95

Date of Order: 30.4.96

BETWEEN:

M.Venkatesh

.. Applicant.

A N D

1. Divisional Railway Manager, Hyderabad
Division, M.G., S.C.Railway,
Secunderabad.
2. Senior Divisional Personnel Officer,
Hyderabad Division, S.C.Rly.,
Secunderabad.
3. Divisional Commercial Superintendent,
M.G., S.C.Rly., Secunderabad. .. Respondents.

- - -

Counsel for the Applicant

.. Mr.S.Lakshma Reddy

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

- - -

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

J U D G E M E N T

(As per Hon'ble Shri R.Rangarajan, Member (Admn.))

- - -

This OA is filed praying for a declaration that the action of the respondents in not treating the 30% running allowance as part of the pay as per para 1313-B of IREM for the purpose of granting other allowance such as DA, CCA, HRA etc., on his medical decategorisation and absorption as Commercial Courier in the grade of Rs.825-1200 as totally illegal without jurisdiction and violative of Articles 14, 16 and 300-A of the Constitution of India and for a consequential direction to the respondents to refix his pay in the absorbing grade i.e. Commercial Courier in the scale of Rs.825-1200 by treating 30% of the running allowance as part of pay for the purpose of granting other

(14)

.. 2 ..

allowances such as DA, CCA and HRA etc., and for granting other consequential benefits such as arrears of pay etc.

2. In this OA M.A.781/95 was filed for condonation of delay of six years. That OA was allowed and the delay ^{was condoned} ~~of condonation~~ subject to the condition that in case the applicant succeeded he will be entitled to financial benefits only for the period from a date one year prior to filing of this OA.

3. When the OA came up for hearing learned ^{standing} ~~counsel~~ for the respondents produced a letter addressed to him which reads as below:-

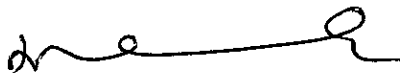
"The case has been considered. After taking into consideration the applicant is entitled for an amount of Rs.17,339 (Seventeen thousand three hundred and thirtynine) for the period from 19.4.94 to 29.2.96. His pay is fixed as follows: Rs.1200 + 20+20+365 p.p. = Rs.1625.

In view of arranging arrears and also fixed as per norms the OA may be dismissed by appraising the position to Hon'ble CAT/HYD."

(This letter has been taken on record)

4. As the relief asked has been considered in view of the above letter the OA has become infructuous. It is further stated by the learned standing counsel that the accounts concurrence for the payment of above said arrears had been taken and the bill had been sent for payment today. It is further stated that the payment will be made within a month from today.

5. In view of what is stated above the OA is dismissed as infructuous. No costs.


(R. RANGARAJAN)
Member (Admn.)

Dated: 30th April, 1996

(Dictated in Open Court)

For the Post.
Dy. Registrar (J)

sd

(16)

O.A. 1210/95. : 3 :

Copy to:-

1. Divisional Railway Manager, Hyderabad Division, M.G. S.C. Railway, Secunderabad.
2. Senior Divisional Personnel Officer, Hyderabad Division, S.C. Railway, Secunderabad, M
3. Divisional Commercial Superintendent, M.G.S.C. Railway, Secunderabad.
4. One copy to Sri. S. Lakshma Reddy, advocate, CAT, Hyd.
5. One copy to Sri. V. Rajeshwar Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

B.
TYPED BY
COMPARED BY

1210/95
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

DATED: 30/4/96

ORDER/JUDGEMENT

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

B.A. NO.

IN

1210/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

No spare copy

