

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of Order: 23.03.2001

OA 207/95

Moti Lal Yadav son of Shri Ram Pratap yadav aged about 42 years resident of Railway Quarter No. 146/E/B Meter Gauge Colony, Sawaimadhopur (Rajasthan) presently posted as Ballast Checker Cum Guard in the office of AEN, Sawaimadhopur, Western Railway, Kota Division (Rajasthan).

....Applicant.

Versus

1. The Union of India through General manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (Estt.), Western Railway, Kota Division, Kota.
3. Sr. Divisional Engineer (E), Western Railway, Kota Division, Kota.
4. Assistant Engineer, Sawaimadhopur, Western Railway, Kota Division, Sawaimadhopur (Rajasthan).

Mr. S.D. Sharma, Counsel for the applicant.

Mr. Manish Bhandari, Counsel for the respondents.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)

Hon'ble Mr. H.P. Uawani, Member (Administrative)

ORDER

  
PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL)

The relief sought by the applicant in this OA is to quash the order dated 14.11.94 (Annexure A-1) and to direct the respondents to treat the applicant as regular Ballast Checker cum Guard and to pay the applicant the pay & allowances as admissible to a Guard w.e.f. 27.2.90.


2. The learned counsel for the applicant is only pressing the claim of the applicant for pay & allowances as admissible to Guard w.e.f. 27.2.90 in view of the promotion order dated 2.12.99, issued by DFM, Kota by which applicant has been promoted on regular basis.

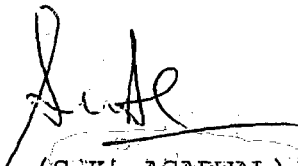
3. On the other hand, the learned counsel for the respondents has argued that benefit of mileage allowance had already been given and paid to the applicant for the work done by the applicant on the post of Guard for the period his services are utilised and no amount remains due to the applicant particularly when the applicant himself was satisfied with the payment and the same has been settled.

4. We have given anxious consideration to the rival contention of both the parties and also perused the whole record.

5. In view of the fact that mileage allowances has already been paid to the applicant, nothing remains payable to the applicant as pay & allowances for the period his services were utilised as Guard and, therefore, the present applicant has no case and this OA becomes infructuous.

6. We, therefore, dismiss this OA as having become infructuous with no order as to costs.

  
(N.P. NAWANI)  
MEMBER (A)

  
(S.K. AGARWAL)  
MEMBER (J)