

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 20.8.1998

OA 132/95

Panna Singh, Baku, Smt. Sayri, Ehemu, Saru, Mukaran, Phule Lal, Sudhir, Nirakar, Savitri, Furshottam, Trilochan, Durja, Patna, Varun, Raju Singh and Kokila, all the above applicants are employed as Gangmen under Chief Permanent Way Inspector (South) Kota, Western Railway.

... Applicants

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Sr. Divisional Engineer (E), Western Railway, Kota Division, Kota.
4. Sr. Divisional Personnel Officer, Western Railway, Kota Division, Kota.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

For the Applicants

... Mr. Shiv Kumar

For the Respondents

... Mr. M. Rafiq

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicants, named above, have filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to make payment of the Travelling Allowance to them on their transfer from Dhankaniya Talab to Dhaniksar.

2. Heard the learned counsel for the parties. Records of the case have been carefully perused.

3. The case of the applicants is that they were initially appointed on the posts of Gangman in Bhavnagar Division of the Western Railway on the dates mentioned against their names in the cause title of the application. They were transferred from Bhavnagar Division to Kota Division on 31.12.84 in administrative interest. They were posted to work at Sawaimadhopur. Thereafter, they were transferred at many places in Kota Division. At present they are employed on the posts of Gangman under Chief Permanent Way Inspector (S), Kota. The applicants have acquired temporary status on completion of 120 days continuous service long back. They are being paid in the graded scale for the post of Gangman. The applicants came on posting under FWI Ramganj Mandi in the month of March, 1993. After seven months they were ordered to be transferred from Ramganj Mandi to Dhankaniya Talab, Kota,

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on 15.10.93, on permanent transfer under CPWI (South) Kota in the Western Railway. No written order of transfer was given to the applicants. A pass was issued in respect of 21 persons and all the applicants were required to move on transfer from the Railway Station Fanganj Mandi to Kota. The applicants immediately submitted a representation on 14.10.93 and requested the authorities to keep them at one place. They also requested that all admissible allowances on transfer should be paid to them. On this representation a remark was made that the applicants are required to go to Dhaniksar. The CPWI (S) Kota also issued a letter dated 3.11.93 to the effect that the complete Gang should go to Dhaniksar. Thereafter, the requisite duty pass was issued on 3.11.93 from Dhanikaniya Talab to Dhaniksar. The applicants are temporary status Gangmen and they were transferred from Dhanikaniya Talab to Dhaniksar, at a distance of about 25 kms, in the interest of administration. They have, therefore, claimed Travelling Allowance.

4. The respondents have stated in the reply that the applicants are temporary status holder and they are being paid in the graded scale on the posts of Gangman. It is also stated that the applicants are entitled to get the transfer and packing allowance, if admissible, as per the extant rules. It has been further stated by the respondents that whenever the applicants have submitted the travelling allowance bills, the same have been paid regularly by the respondents and that the applicants have not claimed the transfer and packing allowance on their transfer to Dhaniksar. The learned counsel for the applicants has relied on a decision of this Bench of the Tribunal in OA 1134/92, dated 6.4.94, Santosh & others Vs. Union of India and others. The same has been taken on record.

5. It is an undisputed fact that the applicants are temporary status holders. The Travelling Allowance was not paid to the applicants merely because they had not submitted any Travelling Allowance bills. In the circumstances, the applicants are directed to submit the Travelling Allowance bills to respondent No.3 within a period of one month from the date of this order. The payment of transfer allowance, as admissible under rules, shall be made to the applicants after submission of their Travelling Allowance bills within a period of three months from the date of receipt of the Travelling Allowance bills. This application is allowed accordingly with no order as to costs.

*Gopal Krishna*  
(GOPAL KRISHNA)  
VICE CHAIRMAN

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