

Central Administrative Tribunal
Jabalpur Bench

OA No.16/05

Qwalior, this the 13th day of September, 2005.

C O R A M

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Smt. Vimla Mukhija
W/o Shri N.D. Mukhija
Retired Jr. Teacher (TGT)
Shift Incharge, 2nd Shift, R..S. School
R/o Vimal Niwas, Stret No.1, Stn. Road
Ratlam (MP)

Applicant

(By advocate None)

Versus

1. Union of India through
General Manager
W.Railway, Churchgate
Mumbai.

2. The Divisional Rail Manager
W.Railway, Divisional Office
Do-Batti, Ratlam.

Respondents.

(By advocate Shri Y.I.Mehta)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

(i) Quash the impugned order dated 25.9.03 (A-1).
(ii) Direct the respondents to fix the pay of the applicant as shift In charge 2nd Shift (Middle Section) under Rule 2018/FR-22C/RII with effect from 1.7.91 with consequential benefits in terms of Railway Board's letter dated 4.5.87.

2. The brief facts of the case are that the applicant worked as Shift In charge from 1.7.91 to 31.1.95, the date on which she retired on



superannuation and was assigned the duties and responsibilities identical to that of Headmistress of an independent Middle School in terms of Principal's letter dated 20.12.93(Annexure A2). In the aforesaid letter it was clearly mentioned that it was practically impossible for him to remain physically present for both the shifts from 6 am to 6 pm. while assigning the aforesaid duties to the shift in charge. The applicant shouldered higher duties and responsibilities of Headmistress of an independent Middle School. When the benefit was not granted to the applicant, she filed an OA No.438/95 before the Tribunal, which was disposed of by the Tribunal vide order dated 16.11.99 holding that as the applicant has shouldered higher responsibilities of a post carrying higher basic pay grade admissible to Headmistress of an independent middle school she deserves additional benefits. The matter was taken in appeal in the High Court of M.P. at Indore, which dismissed the petition upholding the decision of the Tribunal. Thereafter the applicant requested the Railway administration to fix her pay under Rule 2018/FR-22C/RII in terms of Railway Board's letter dated 4.5.87. Her request was not acceded to by the department and vide impugned order dated 25.8.2003, the department granted a monthly allowance of Rs.50 per month to the applicant. Feeling aggrieved, the applicant preferred a writ petition No.906/04 before the High Court of M.P. at Indore Bench, which was dismissed vide order-dated 19.7.04 with a direction to approach the Tribunal. Hence this OA is filed.

3. None for the applicant. Hence the provisions of Rule 15 of CAT (Procedure) Rules, 1987 are invoked.

4. Heard learned counsel for the respondents. He argued that there is no post of a vice Principal for the 2nd shift in the school. The applicant has not clarified the position and the duties of the Principal. The working hours of the Principal are from 10 am to 5.30 pm during which the 2nd shift of the school is also functioning between 12.30 and 5 pm and during this period, the senior most teacher of middle school was required to assist the principal in managing the administration



work of 2nd shift. However, the responsibility and the entire working was on the shoulders of the Principal and only for an half an hour between 5 and 5.30 p.m. when the Principal was away from duty, such senior teacher was required to carry out the administrative work left behind. Since the teacher was required to look after and assist the Principal in certain administration matters and to carry out work under his instructions, she was given some benefit in the shape of relaxation in teaching periods. The applicant was clearly given to understand that as there was no post of Headmistress, she was assigned this work. In the previous OA No.438/95 filed by the applicant, her plea for fixation of pay was disallowed and the respondents were required to give some additional benefit like monthly allowance or some special pay. Officially only half an hour i.e. from 5 to 5.30 pm the Principal was away. The question of fixing the pay of any higher-grade does not arise and the monthly allowance of Rs.50 has been rightly granted. Even in such institute where a teacher is designated as Vice Principal he/she would get only Rs.50 p.m. as special allowance and therefore, if such amount is granted to the applicant it cannot be said to be unreasonable and no fault can be found with Annexure A1.

5. After hearing learned counsel for the respondents and carefully perusing the records, we find that the argument advanced on behalf of the respondents is that the applicant's plea for fixation of pay was disallowed in the previous OA No.438/95 and the respondents are required to give additional or special pay. The respondents have granted Rs.50 per month as special pay in compliance with the order of the Tribunal. The argument advanced on behalf of the respondents that even in such institute where a teacher is designated as Vice Principal he/she would get only Rs.50 p.m. as special allowance and therefore, if such amount is granted to the applicant it cannot be said to be unreasonable and no fault can be found with Annexure A1, seems to be correct. We have also perused the impugned order Annexure A1 passed in compliance with the order of the Tribunal in



OA No.438/95, by which the respondents have sanctioned Rs.50 per month from 1.7.91 for 54 months as monthly allowance.

6. Considering all facts and circumstances of the case, we are of the considered view that the OA has no merit. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial member

(M.P.Singh)
Vice Chairman

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पृष्ठांकन से ओ/व्या..... जवलपुर, दि.....
टा..... अचे हिंदा.....

(1) रु. ५० ल्यायालय कार (प्राप्ति) ग्रामलपुर
 (2) अप्रैल २०१८/अंगती/वडा दाहारंगल
 (3) प्रथम २०१८/अंगती/वडा ग्राम रहारंगल
 (4) चौथाला, के.प्र.अ. जगलपुर वारापट्टी
 सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Shri N.D. Mehta &
Shri Y.Z. Mehta, I.Indore

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21-9-05