

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Application No 607 of 2004

Jabalpur this the 20th day of April, 2005.

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

R.V. Temburnikar, aged 50 years, S/o
Shri V.Temburnikar, Occupation-Service
Presently posted as Goods Guard in
SEC Railway, Dongargarh, District
Rajnandgaon(C.G.) Applicant

(By Advocate – Shri I.S. Shahu on behalf of Shri Rajeev Shrivastava)

V E R S U S

1. Union of India through:
Chief Personnel Officer(IR)
Central Railway, Chatrapati
Shivaji Terminal, Mumbai(M.S.)
2. Chief Personnel Officer, S.E.C.
Railway, Bilaspur(C.G.).
3. Divisional Personnel Officer,
Central Railway, Bhusawal
Division, Bhusawal (M.S.)
4. Divisional Personnel Officer,
SEC Railway, Nagpur Division,
Nagpur (M.S.)
5. Divisional Railway Manager,
S.E.C. Railway, Nagpur Division,
Nagpur(M.S.). Respondents

(By Advocate – Shri S.P. Sinha)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application, the applicant has sought the following main relief :-

“9.2to direct the non-applicants to release payment of mileage arrears for the period of 1.1.1996 to 3.11.1997 to the applicant.”



2. The brief facts of the case are that the applicant was appointed as Goods Guard in the Bhusawal Division of Central Railway in the year 1980. While performing his duties of Goods Guard in Bhusawal Division he logged for number of kilometers during the period of 1.1.1996 to 3.11.1997 and for which the mileage arrears was approved by the Station Superintendent, Bhusawal. But the applicant did not receive the payment. He was mutually transferred ^{on his} own request from Bhusawal Division to Nagpur Division and he reported for duty at Dongargarh of Nagpur Division on 3.11.1997. He sent representation on 25.8.1999 to respondent no.5 requesting to release the aforesaid payment of mileage. He has also sent a reminder, but the respondents did not take any action on his representation and reminder. According to the applicant, even after lapse of more than of 5 years and after sending several representations, the respondents have failed to release the payment of mileage arrears for the period of 1.1.1996 to 3.11.1997 till date. Hence, this OA.

3. Heard the learned counsel for parties and carefully perused the records.

4. It is argued on behalf of the applicant that the applicant performing his duties as Goods Guard in the Bhusawal Division lodged for number of kilometers during the period from 1.1.1996 to 3.11.1997 and for which the mileage arrears was approved by the Station Superintendent, Bhusawal but the amount of said period was not paid to him. The applicant had submitted several representations for the payment of mileage arrears of the said period. Even after more than of 5 years has already elapsed, but the respondents have not yet paid the mileage arrears for the aforesaid period while the applicant is legally entitled to receive the payment of mileage arrears for the said period.

5. In reply the learned counsel for the respondents argued that the applicant while working in Bhusawal Division should  preferred



his claim, there as the claim is pertaining for the period when he was working at Bhusawal Division. There is no records in Nagpur Division in respect of his mileage payments for the period the applicant had made claim. He was advised to submit vetted copy of Associated Accounts i.e. from Sr. Divisional Financial Manager, C. Railway Bhusawal, which alone will be the authentic record to prove non payment of his mileage, but he failed to submit. He further argued that this OA is barred by limitation. The applicant came on transfer to Nagpur division on 3.11.1997 and he had preferred first application for non payment of mileage vide letter dated 25.8.99. Hence, the present OA is barred by limitation and is liable to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the records, we find that the applicant has claimed the payment of mileage arrears for the period of 1.1.96 to 3.11.97. The applicant had submitted several representations to the respondents but he has filed this OA on 27.7.2004 i.e. after lapse of about 7 years. The claim of the applicant does not relates to, continuous cause of action. The applicant was working in the Bhusawal Division of the Central Railway till 3.11.97 and came on mutual transfer in the Nagpur Division and joined at Dongargarh. While working in Bhusawal Division he should have preferred his claim there, as the claim is pertaining to period of his working at Bhusawal division. He was advised to submit vetted copy of associated Accounts i.e. from Sr. Divisional Financial Manager, Central Railway Bhusawal, which alone is an authentic record to prove non payment of his mileage, but he failed to submit the record to the respondents. Merely a copy of the statement of mileage certified by the Station Master is not enough to know its correctness and non payment in Bhusawal Division.



7. Considering all the facts and circumstances of the case, we are of the considered opinion that this OA deserves to be dismissed. Accordingly, the same is dismissed. No costs.



(Madan Mohan)
Judicial Member



(M.P. Singh)
Vice Chairman

skm

पृष्ठांकन सं. ओ/व्या.....जबलपुर, दि.....
प्रधिकारिता लगाए गए:-

- (1) रामेश, उच्च व्यापारिक लगाए गए, जबलपुर
- (2) आमेश ली/सीटी/लु.....के काउंसल
- (3) फलवर्धी ली/सीटी/लु.....के काउंसल
- (4) बांधकाल, दोपा अ. जबलपुर लाइन्सीड
सूखना एवं आज्ञायक लाइन्सीड

Ram Singh
D.V. 18/5/2007
M.P. Singh
DBP

मेरे संजिस्टर

*Received
4-05-07
On*