

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
(CIRCUIT SITTING AT BILASPUR)

original Application No:361/2000

Jabalpur, this the 24th day of March, 2004

HON'BLE SHRI M.P. SINGH, VICE CHAIRMAN
HON'BLE SHRI MADAN MOHAN, MEMBER (J)

P.V.G.Namboodiri s/o late Govindan Namboodiri,
Aged about 64 years,
Retired Senior Goods Guard,
South Eastern Railway,
R/o LIG 18, Sector-II,
Shankar Nagar, Raipur.

...Applicant

(By Advocate: Shri Vijay Tripathi for Sh. S.Paul)

-versus-

1. Union of India through
Ministry of Railways,
(Railway Board),
New Delhi.

2. The General Manager,
South Eastern Railway,
Garden Reach,
Calcutta.

3. The Divisional Railway Manager,
South Eastern Railway,
Bilaspur (MP).

...Respondents

(By Advocate: Shri M.N.Banerjee)

O R D E R

By Shri Madan Mohan, Member (J):

By filing the present O.A., the applicant has sought the following main reliefs:-

i) to direct the respondents to release leave encashment for 162 days, mileage allowance of 27380 kms., overtime of 394 hours and NDA for 68 units as shown in Annexure A-6.

ii) to direct the respondents to pay the aforesaid amount within a stipulated time as deemed fit by this Tribunal.

iii) to direct the respondents to pay interest @ 15% per annum on delayed payment till the date of realisation.

2. The brief facts of the case are that the applicant was appointed in the South Eastern Railway on 4.2.1962. He was promoted as Goods Guard in the year 1970 at Raipur. While working as such, he was put on the stand by station duty to deal with

✓

pre-departure detention and other yard matters at the Raipur Stores Depot Station w.e.f. 20.11.1990. He was asked to perform the duty for ten hours a day. For the above mentioned duties, the applicant became eligible for the payment of waiting duty allowance @ 15 kms. per hour of the day in terms of para 3.16 of Railway Board's letter dated 17.7.1981. He also became eligible to be paid other allowances such as over time allowance, night duty allowance etc. as per rules.

2.1 The applicant was paid the aforesaid allowance from 22.11.1990 to 17.7.1991. However, thereafter he was not paid allowances from 18.7.1991. When the applicant could not get the relief, he filed an OA No. 64/95 before this Hon'ble Tribunal which was decided by the Hon'ble Tribunal on 12.8.1997. It was expected by the Tribunal that the South Eastern Railway, Bilaspur will pass necessary orders within two months from the date of judgement. Pursuant to the above order, the respondents were required to pay all dues but when the said dues were not paid to the applicant, he filed CCP No. 34/98 which is still pending. In the said CCP respondents took a stand that certain amounts have been paid. Although the applicant's grievances were redressed partially, all his grievances and settlement were not settled. The applicant feels that in view of the limitation directions given by the Tribunal in OA No. 64/95 he will not get the remaining dues in contempt petition, hence he has filed the present O.A. seeking the aforesaid reliefs.

3. Heard the learned counsel for the parties and have perused the record and other relevant material available on record.

4. Learned counsel for the applicant argued that the applicant has given the details of the reliefs claimed by him in the O.A. i.e. leave encashment for 162 days; mileage allowance of 27380 kms.; overtime of 394 hours and NDA for 68 units but the respondents have not paid the same while they are legally bound to accede to the genuine demand of the applicant.

5. In reply, the learned counsel for the respondents has



argued that the applicant has earlier filed an OA No. 64/95 for the same claim which was decided by the Tribunal on 12.8.1997 and the directions were complied with by the Administration. Later on the applicant filed a CCP No. 34/98 which was decided on 18.4.2000 in which the Tribunal was satisfied with the compliance by the respondents and the CCP was discharged. Despite the earlier claim, no new claim is produced in OA No. 301/2000. Respondents do not admit anything beyond the record. Besides this, the respondents have denied that the applicant was asked to work beyond ten hours duty for a day w.e.f. 20.11.1990. The applicant was asked to perform special duty sometimes as waiting duty for which he was paid allowance @ 15 kms. per hour in a day and other allowances like Overtime, Night Duty allowance as per rules. He further argued that the applicant was also paid mileage, NDA, O.T.A. etc. beyond 17.7.1991. It is further argued that the grievances of the applicant were fully redressed by paying the dues i.e. mileage, O.T.A. and encashment of leave etc. As per service records, the applicant had only 78 days L.A.P. at his credit which was certified by the associated accounts officer, Bilaspur. He was underwent sick list from January, 1988 to August, 1993 on several occasions intermittently but he never submitted his application for commutation of sick period into leave before his retirement. Now he is claiming again and again for the same amount while no amount is due towards the respondents at all.

6. During the course of arguments, learned counsel for the respondents stated that if any amount is still reasonably due, the applicant can file a detailed representations before the respondents and seek a personal hearing for redressal his grievance, if any, sympathetically and if any amount is found due towards the respondents the same shall be paid to him. Learned counsel for the applicant agrees to the said submission of the respondents.

7. In view of the above facts and circumstances, we are disposing of the present O.A. with a direction to the applicant

to file a detailed representation of his grievances to the respondents within a period of one month from the date of receipt of a copy of this order and thereafter the respondents shall consider the said representation within a period of two months from the date of receipt of such representation of the applicant and shall pass a speaking, detailed and reasoned order affording a reasonable opportunity of hearing to the applicant. In case any amount is reasonably found due the same shall be paid to the applicant by the respondents.

8. In the result, the O.A. is disposed of with the above directions. No costs.

(MADAN MOHAN)
MEMBER (J)

(M.P.SINGH)
VICE CHAIRMAN

/na/

~~File saved
on
12/23/2014~~