

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No. 687 of 1998

Jabalpur, this the 1st day of May, 2003

Hon'ble Mr. R.K. Upadhyaya - Administrative Member
Hon'ble Mr. J.K. Kaushik - Judicial Member

1. Avanindra Kumar Singh S/o Shri Rana Pratap Singh, aged about 40 years, R/o 23 L.I.E. M.P.H.B. Colony, Deorikhurd, Bilaspur (M.P.).
2. All India Loco Running Staff Association, S.E. Railway, through its Joint General Secretary, Shri Avanindra Kumar Singh, R/o 23 L.I.G. M.P.H.B. Colony, Deorikhurd, Bilaspur (M.P.) - Applicant

(By Advocate - Shri V. Tripathi)

Versus

1. Union of India through its Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, S.E. Railway, Garden Reach, Calcutta-43.
3. Divisional Railway Manager, S.E. Railway, Bilaspur Division, Bilaspur (M.P.) - Respondents

(By Advocate - Shri S.K. Jain)

O R D E R (Oral)

By J.K. Kaushik, Judicial Member -

This O.A. has been filed by the All India Loco Running Staff Association, S.E. Railway, through its Joint General Secretary with the prayer, ^{that the respondents be directed} to pay the salary and other allowances, to the applicant no. 1 and other similarly situated employees, for the period of their last 44 weeks training, which are payable to a regular Assistant Driver. It has further been prayed that the respondents be directed to pay the salary of 6 months of Training period as per the decision dated 12.11.1996 (Annexure-A-2) along with interest @ 18%.

2. The undisputed facts of the case which are relevant for adjudication of the controversy involved in this case are that the members of the applicant association underwent a training for the post of Assistant Driver.

The requisite training period is 18 months i.e. 78 weeks

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but the training was curtailed and after 34 weeks all of them were posted on a working posts. However, they were paid only stipend as admissible during the training period although they had actually shouldered the higher responsibility of work on the regular post of Assistant Driver. The controversy involved in this case is that the applicants have been deprived of the payment of salary for the training period which was curtailed which is 44 weeks.

3. As far as the aforesaid issue is concerned, the respondents in para 7 of their reply have categorically submitted that a supplementary bill of difference of arrears has already been submitted to the Accounts for payment. An extract of the same is reproduced as under-

"7.....it is stated that this division after receiving the Est.Sr.No.159/98 from the Hed Qrt.has process the same to the competent authority and accordingly office order No.E/RSO/OP/12/99 dt. 1.1.99 has been issued and immediately a Suppl.bill No.E/SB/TRD/RO.Pt.II/909/Dirf.of arrears dt.19.1.99 for Rs.6,35,585/-has been sent to Accounts for concurrence and arranging payment to the applicants. Therefore, question of not payment of salary and other benefits in respect of 5 months curtailment period of training to the applicants does not arise".

A mere perusal of the aforesaid reply clearly indicates that there is hardly any adjudication for the right of the applicant for payment of the salary. Hence the claim as it stands admitted to the extend of pay and allowances etc.is concerned for the period by which the training was curtailed i.e. 44 weeks.

4. As far as the increment is concerned, a Note has been incorporated on the order dated 1.1.1999 to the effect that the increment will be admissible only on completion of the period of 18 months. We do not find any illegality in the same. However, this order has not been challenged by the applicants and in the absence of any specific pleadings, the same cannot be said to be illegal otherwise also.

5. Even though there is no specific pleadings but the learned counsel of the applicants has submitted that the applicants are entitled for seniority on the post of Assistant Driver from the date they were put to work on the working

post i.e. just on completion of 34 weeks of the training, but they have been given seniority only after one year of the training. Firstly, this is factually wrong. They have not been given the seniority after a period of one year. In fact they have been given seniority after 18 months i.e. the notional period for the training and this position is reflected by way of note to the order dated 1.1.1999. As the order dated 1.1.1999 has not been challenged by the applicants, we have no reason to take a contrary view what the respondents have mentioned in the order dated 1.1.1999.

6. In view of the aforesaid discussion, the original Application as such does not have any merit for our examination. However, there seems to be some delay in making the payment which has been agreed upon by the respondents themselves. The interest of justice would be met if the O.A. is partly allowed and the respondents are directed to make payment of difference of arrears, as agreed upon by them, within a period of four months from the date of receipt of a copy of this order. We order accordingly. However, there shall be no order as to costs.

J.K. Kaushik
(J.K. Kaushik)
Judicial Member.

R.K. Upadhyaya
(R.K. Upadhyaya)
Administrative Member

RKV.

Issued
on 12.5.03
BS

पृष्ठकल सं ओ/न्या.....जवलपुर, दि.....
पलिलिगि.....
(1) राधिका, राधिका, राधिका, जवलपुर
(2) आदेश, आदेश, आदेश, जवलपुर
(3) प्रथमी, प्रथमी, प्रथमी, जवलपुर
(4) वंशपाल, वंशपाल, वंशपाल, जवलपुर
सूचना एवं आवश्यक कार्यवाही हेतु
V. Tripathi, Adv.
SK Jain, Adv.
8/5/03