

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

06.03.2007

OA 288/2005

Mr.P.N.Jatti, counsel for applicant.
None present for respondents.

At the request of learned counsel for the applicant, let the matter be listed for hearing tomorrow i.e. 7.3.2007.

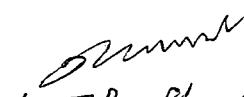

(P.P. SHUKLA)
MEMBER (A)

vk

7.3.2007

Mr. P.N.Jatti, counsel for applicant.
Mr. T.P. Sharma, counsel for respds.

Heard the learned counsel for the parties.
The matter is disposed of by a separate order.


(P.P. Shukla)
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 07th day of March, 2007

ORIGINAL APPLICATION NO.288/2005

CORAM :

HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Ganga Dhar
s/o Shri Bheru Bux,
r/o Village Rajpur-Bada,
Tehsil Rajgarh,
District Alwar.

By Advocate : Shri P.N.Jatti

... Applicant

Versus

1. Union of India
through General Manager,
North West Railway,
Jaipur.
2. Divisional Railway Manager,
North West Railway,
Power House Road,
Jaipur.
3. Sr.Divisional Mechanical Engineer,
O/o DRM, North West Railway,
Power House Road,
Jaipur.

By Advocate : Shri T.P.Sharma

... Respondents

ORDER (ORAL)

Heard the learned counsel for the parties. Applicant's case is that he was posted to work on the post of TXR at Jaipur Railway Station under Sr.DME O/o DRM w.e.f. 13.12.97. The applicant continued to work as such upto 31.7.2002, the date of his superannuation. The applicant prayed for grant of pay and allowance or the officiating allowance for performing the duties of TXR but there was only one reply that do your work and the pay & allowances or the officiating allowance

for the work of TXR will be paid to you. The applicant, even after retirement, prayed for the same and submitted representation. Reply to the applicant was given once on 11.12.2003 (Ann.A/3) indicating therein that sanction of the HQ has been sought and as soon as it is received necessary action will be taken in your case and you will be advised, but no positive action has been taken by the respondents about the payment of pay and allowances or officiating allowance to work on the post of TXR on the base of analogy or on the principles of natural justice i.e. equal pay for equal work.

2. It was submitted by the learned counsel for the applicant that the respondents have already accepted, vide Ann.A/3, for officiating by the applicant on the post of TXR and they are seeking permission from the headquarters. Further, it was argued that vide Ann.A/1 it is clear that the applicant has worked on the post of TXR at Jaipur Railway Station.

3. It was argued by the learned counsel for the respondents that there is no order in favour of the applicant to officiate as TXR and the burden to prove is on the applicant's side.

4. I find that the respondents have not yet taken a final decision for rejecting or allowing officiating allowance to the applicant, as is clear from Ann.A/1. The ends of justice will be met if the respondents are directed to take further decision in view of Ann.A/1.

5. Accordingly, the respondents are directed to take a final decision for payment of officiating allowance to the applicant keeping in view Anns.A/1 and A/3 within a period of three months from the date of receipt of a copy of this order.

Amrit

6. With these observations, the OA stands disposed of with no order as to costs.

J. P. Shukla
(J. P. SHUKLA)
MEMBER (A)

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