

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

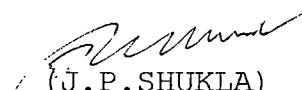
ORDERS OF THE TRIBUNAL

21.4.2008

OA 413/2006

Mr.P.V.Calla, counsel for applicant.
Mr.V.S.Gurjar, counsel for respondents.

Heard learned counsel for the parties. The OA stands allowed by a separate order.


(J.P.SHUKLA)
MEMBER (A)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 21st day of April, 2008

ORIGINAL APPLICATION NO.413/2006

CORAM :

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

Devendra Kumar Sharma,
PGT (Sanskrit),
Railway Senior Secondary School,
Bandikui.

... Applicant
(By Advocate : Shri P.V.Calla)

Versus

1. Union of India through
General Manager,
North Western Railway,
Jaipur.
2. Chief Personnel Officer (IR),
North Western Railway,
Headquarter Office,
Jaipur.
3. Divisional Railway Manager (E),
Jaipur Division,
Jaipur.

... Respondents
(By Advocate : Shri V.S.Gurjar)

ORDER (ORAL)

PER HON'BLE MR.J.P.SHUKLA

The applicant has filed this OA praying for making payment of dual charge allowance, which he was asked to perform and which he discharged. But the respondents have denied the same.

2. During the course of arguments, learned counsel for the applicant submitted that the applicant is a

PGT (Sanskrit) and was supposed to teach the classes from IX & XII standard. But, on account of death of one Shri M.L.Dhanka in August, 2001, who was working as TGT (Sanskrit), the applicant was asked to teach the classes from VIII to X standard also in addition to his own duties. The applicant discharged these additional duties from August, 2001 to June, 2004 with excellent result and as per Railway Board Circular dated 28.1.2000 (Ann.A/2), dual charge allowance is admissible for the period over 45 days. The applicant made a representation dated 28.7.2004 (Ann.A/3) as also the legal notice vide Ann.A/5 requesting the authorities to make payment of dual charge allowances, but to no avail.

3. Learned counsel for the applicant drew the attention of the Tribunal to Ann.A/2 i.e. Railway Board's Circular dated 28.1.2000 for the grant of dual charge allowance. As per this circular, dual charge allowance is admissible if the additional charge is held for a period exceeding 45 days. He argued that the applicant has held the additional charge for more than 45 days and hence he is entitled for the dual charge allowance.

4. Learned counsel for the respondents argued that dual charge allowance is admissible only in case the incumbent discharges higher responsibility and not the lower responsibility. The applicant was a PGT (Sanskrit) and was holding dual charge for the post of TGT (Sanskrit), which is admittedly a lower post, and hence the applicant is not entitled to get dual charge allowance as per rules.

5. However, on query, learned counsel for the respondents was not in a position to show any ruling to establish that in case the applicant discharges lower responsibility alongwith the higher responsibility, he/she is not entitled for dual charge allowance.

2

6. After hearing learned counsel for the parties and perusal of the documents on record, it is found that the applicant has already discharged dual charge responsibilities as there was a need of the administration after the death of Shri M.L.Dhanka, TGT (Sanskrit) and the administration asked the applicant to discharge that responsibility alongwith his own responsibility. As per the Railway Board's Circular (Ann.A/2), the applicant is entitled for the grant of dual charge allowance for the additional duties performed by him and denial of the same is infringement of the fundamental rules and, therefore, action of the respondents is not justified.

7. In the facts and circumstances of the present case, the applicant has prima-facie made out a case in his favour and he is entitled for the grant of dual charge allowance. Accordingly, the respondents are directed to make payment of dual charge allowance to the applicant, as submitted by him vide Ann.A/6, after due scrutiny by the respondents, within a period of two months from the date of receipt of a copy of this order. Interest @ 6% per annum may also be awarded to the applicant.

8. The OA stands disposed of accordingly with no order as to costs.


(J.P.SHUKLA)
MEMBER (A)

vk