

**Central Administrative Tribunal
Principal Bench**

OA No.4575/2013

Reserved on : 23.09.2015
Pronounced on : 06.10.2015

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P. K. Basu, Member (A)**

N. C. Mathur
R/o B-602, Jooky Tower,
Sec 15, Vasundhara,
Ghaziabad, UP.

... Applicant.

(By Advocate : Shri Lalta Prasad)

Vs

Union of India & Ors. through

1. General Manager
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager
Delhi Division (Northern Railway)
State Entry Road,
Paharganj,
New Delhi.

... Respondents.

(By Advocate : Shri Shailendra Tiwary)

: O R D E R :

P. K. Basu, Member (A) :

The applicant was posted as Instructor in Electrical Training Centre at Ghaziabad with the Railways on 12.09.2000 in the pay scale of Rs.7450-11500. It is stated by him that he was receiving teaching allowance at the rate of Rs.400 per month. His claim is that he should get teaching allowance at the rate of 15% of basic pay as per Railway Board Letter No.F (MPP) 94-13/4 dated 20.08.1995. It is further

stated that one Shri Idrish Khan who was transferred on deputation at ETD Ghaziabad in the period 01.08.1995 to 20.08.1995 as Chief Instructor was paid teaching allowance @Rs.200 per month only during that period, but later on he received teaching allowance at the rate of 15% of the basic pay w.e.f. 01.08.1995 to 03.06.1997 vide respondents order dated 07.02.1998 (Annexure A-3 colly). It is further pointed out that vide order dated 10.05.2006 seven senior loco Inspectors working against the post of Loco Inspectors (Training) were granted payment of Training Allowance (it is clarified by learned counsel that this is the same as teaching allowance) as monetary interest at the rate of 15% of the basic pay. Lastly, it is added that this Tribunal vide its order dated 16.05.2011 in OA No.2975/2000 in the matter of **Jagdish Prasad Vijay vs. UOI & Ors.**, had allowed 15% of the basic pay as training allowance and this was also upheld by the Hon'ble High Court of Delhi in W.P.(C) No.994/2012 & CM No.2201/2012 decided on 21.02.2012.

2. The respondents in their reply have stated that the applicant is not entitled for training allowance as he was not recommended by the Selection Committee for the post of Chief Instructor/Instructor. He was temporarily posted at ETC, Ghaziabad along-with the post of SSE/TRD to impart training to TRD staff. It is further stated that his request for payment of training allowance was turn down by the respondents vide

letter dated 30.04.2002 being not selected by the Selection Committee. In fact, both the guidelines dated 10.08.1995 and 24.01.2003 regarding monetary incentive in the form of training allowance to faculty members deputed to Group 'C' & 'D' technical training centres clearly state that the admissibility of the training allowance in each individual case will be examined by a committee at appropriate level. This committee would adopt a strict selection process to find excellent trainers for such appointments. The guidelines for such selection should not only take into account the outstanding service records but also good training capability and aptitude for the job. It is further clarified that it should be ensured that before the training centre/school and trainers are sanctioned this allowance, they must satisfy the above guidelines. The trainers not recommended by the Committee should be repatriated to their respective parent cadres. Adhoc appointees will not be allowed to this training allowance till they are regularized. In light of this rule, the respondents state that the applicant was transferred to ETC, Ghaziabad along-with post temporarily with administrative control under Sr. DEE/TRD/NDLS. He was not selected as Chief Instructor/Instructor by the Selection Committee through selection process. Thus, he continued to work against the post of SSE/TRD and not against the sanctioned post of Chief Instructor/Instructor at ETC, Ghaziabad.

3. Regarding OA No.2975/2010 and W.P. (C) No.994/2012 & CM No.2201/2012, the respondents state that the facts of the case are different because the applicant in that case has been posted as Chief Instructor at the ETC, Ghaziabad, whereas the applicant in the instant case was not.

4. Apart from the merits of the case, the respondents also pointed out that the applicant's claim is hopelessly time barred as he has filed this OA in the year 2013, whereas the cause of action arose, in the year 2000 and, moreover, the applicant has retired in the year 2006.

5. In reply to this contention, learned counsel for the applicant cited the judgment of Hon'ble Supreme Court in the matter of **S. R. Bhanrale vs. Union of India and Others** (1996) 10 SCC 172 and submitted that in the case of retiral benefits, limitation will not apply.

6. We have heard learned counsel for the parties and perused the relevant rules and judgments.

7. The fact is that in this case there has been a long delay of about 15 years in filing the OA. In fact, as stated, the applicant was retired in the year 2006 and, therefore, according to Section 21 of the Administrative Tribunals Act, 1985, this Application is not maintainable on the ground of limitation. The judgment of **S. R. Bhanrale** (supra) is on different facts as that was a case relating to retiral benefits

whereas the instant case relates to the claim of an allowance for a period in the year 2000. Thus, on the ground of limitation, this OA needs to be dismissed.

8. On merits as well, a perusal of departmental circulars regarding training allowance clearly shows that there was a process of selection before a person was posted as Chief Instructor/Instructor in the Training Institutes and this was a stringent process as the respondents wanted only those who are capable of teaching with outstanding service records. The instructions also made it very clear that ad hoc appointees will not be entitled for this training allowance till they are regularized. In the case of the applicant, he was not posted as Chief Instructor, rather his post itself was transferred and he continued to function as SSE/TRD. In any case, he was temporarily posted and not selected by the Selection Committee to be an Instructor. So even on merits, his claim is not justified.

9. In view of the above facts, this OA is fit to be dismissed both on the ground of limitation as well as on merits of the case. It is accordingly dismissed. No costs.

(P. K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/pj/