

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 216 of 2015

This the 09th day of April, 2018

Hon'ble Mr. Justice V.C. Gupta, Member-J

Murari Lal Singh, aged about 64 years, S/o Late Sri Mool Chand Singh, R/o Near Nahar Kothi Shyam Murari Bhawan, Behind Shubham Service Centre, Sumbabagh, Post Sandila, Hardoi

.....Applicant

By Advocate : Sri Praveen Kumar

Versus.

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Moradabad.
3. The Sr. Divisional Operating Manager, Northern Railway, Moradabad.
4. Traffic Inspector (Movement), Northern Railway, Hardoi.

.....Respondents.

By Advocate : Sri D.K. Mishra .

O R D E R (Oral)

Heard the learned counsel for the applicant as well as learned counsel for the respondents and perused the records.

2. In this case, the officiating allowance has been claimed of three different periods by the applicant for performing the duties of Station Superintendent (SS). The first starts from 29.5.2002 to 16.4.2003 when the applicant was posted as Station Superintendent (SS), Rahimabad. Thereafter, the applicant was transferred to Mallava and then Mallava to Sandila. When he was posted at Sandila, one Sri R.S. Lal posted as S.S. Sandila retired from service on attaining the age of superannuation on 31.1.2005 and the applicant was given charge of SS, Sandila after relieving Sri R.S. Lal where he worked upto 1.4.2006 and he was awarded by the General Manager while working in the capacity of Station Superintendent, Sandila. Again, he was transferred to Rahimabad to take over charge of the post of SS, Rahimabad from Sri R.S.L. Srivastava-II and in pursuance thereof, he took over charge on 13.11.2006 and worked as such till 30.6.2010. The applicant raised his claim for officiating allowance for the work done by him on the

higher post, but no decision has been taken. However, his claim was first forwarded alongwith representation dated 21.7.2006, but no action was taken. The applicant had submitted various representations to the higher authority, but they kept the matter pending without any cogent reason. On 23.11.2013 and 22.9.2014 the applicant lodged two complaints in CGRS Cell. As a result of feedback, a message has been sent on his mobile on 8.12.2014 that his claim is under consideration and on the very same date, another message was received on his mobile that his claim has been rejected. Aggrieved by the aforesaid order of rejection of his claim, a copy of which has been annexed as Annexure no.1 to the O.A., the applicant preferred an appeal before the appellate authority, which has not yet been disposed of. Hence this O.A. has been filed by the applicant. For ready reference, the order dated 8.12.2014 is reproduced below:-

“उत्तर रेलवे

प.सं. ई/ईटी-1/SM/CL/2014

कार्यालय
मंडल रेल प्रबंधक
मुरादाबाद

दिनांक 08.12.2014

श्री मुरारी लाल सिंह
पुत्र श्री मूल चन्द सिंह
Retd SM/RBD
निवासी निकट नहर कोठी ध्याम मुरारी भवन
शुभम सर्विस सेक्टर के पीछे सुम्बाबाग
सण्डीला पोस्ट सण्डीला
जिला हरदोई-241204

विषय : आफीसिएटिंग भत्ते के सम्बन्ध में

सन्दर्भ: आपके प्रार्थना पत्र दिनांक 22-09-2014 एवं 27-11-2014

आपके उक्त दोनों प्रार्थना पत्रों की गहनता से छानबीन के पश्चात आपको अवगत कराना है कि आपको आफीसिएटिंग भत्ता देय नहीं है।

ह0 अपठनीय

कृते मण्डल रेल प्रबंधक
उ0रे0 मुरादाबाद

प्रतिलिपि:

- CWLI/EGRS Cell item No. 143408, 17716”

3. Preliminary reply has been filed on technical ground that the claim is barred by time. It was contended that the O.A. is pre-

mature as it has been filed without expiry the period of six months from the date of filing of appeal before the appellate authority. It was also contended that the services of the applicant as Station Superintendent has not been approved by the competent authority.

4. It is not in dispute that the applicant worked on the higher post i.e. Station Superintendent as pleaded in the O.A. It is also not denied that he made representations claiming officiating allowance for the work done by him on the higher post, but no decision has been taken thereon.

5. Perusal of impugned order reveals that the same is a non-speaking order and no reason has been assigned therein. From the perusal of impugned order, no inference could be drawn under what circumstances/grounds the claim of the applicant has been rejected.

6. It is true that this O.A. has been filed without waiting for six month from the date of submission of appeal, but it is a fact that the appeal is pending before the appellate authority and the same has not yet been disposed of.

7. In view of the above, without entering into the merits of the case, this O.A. is finally disposed of with a direction to the appellate authority to consider and decide the appeal of the applicant for officiating allowance of the applicant after giving the opportunity of being heard to the applicant by passing a reasoned and speaking order in accordance with law within a period of three months from the date of communication of this order and the decision so taken shall be communicated to the applicant. There shall be no order as to costs.

(Justice V.C. Gupta)
Member-J

Girish/-