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Writ Petition No.18938 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

Writ Petition No.18938 of 2024

and

W.M.P.No.20795 of 2024

1. Union of India,
represented by its
General Manager, Southern Railway,
Park Town P.O, Chennai-600 003.
2. The Divisional Personnel Officer,
Southern Railway, Salem Division,
Sooramangalam Post, Salem.
3. The Senior Divisional Finance Manager,
Southern Railways, Salem Division,
Sooramangalam Post, Salem.

..Petitioners

Vs

P Subramanian
Retired Loco Pilot (mail) Crew Controller,
547/282, Pudupalayam,
Alampalayam Post, Erode-638 001.

..Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records pertaining to the order of the Central Administrative Tribunal, Chennai Bench, dated 01.12.2022 in O.A.No.1586/2017 and quash the same.

For Petitioners : Mr.S.Janarthanam
SPCGSC

For Respondent : No Appearance



ORDER

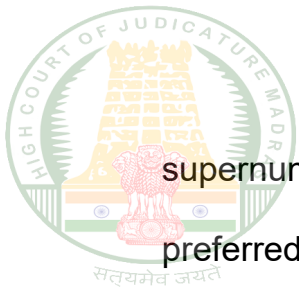
(Made by S.M.Subramaniam J.)

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The order of the Central Administrative Tribunal, Chennai Bench, dated 01.12.2022 passed in O.A.No.1586 of 2017 is under challenge in the present writ petition.

2. Union of India preferred the present writ petition mainly on the ground that the respondent is not eligible for running allowance under the rules and the entitlement of employees, who are not employed as running staff are not eligible for running allowance, has been decided by the Hon'ble Supreme Court of India in the case of ***Union of India and Ors. v. B.Banerjee [Civil Appeal No.7298 of 2013, dated 06.09.2013]***.

3. The facts in brief are that the respondent was working as Loco Pilot and was medically incapacitated in the year 2004. He continued in supernumerary capacity till such time he was appointed alternatively as Crew Controller. He served as Crew Controller and retired from service on 31.07.2016 on attaining the age of superannuation. His retirement benefits were calculated based on add-on benefits as stipulated in Rule 17 of the Railway Services Pension Rules, 1993 and the running allowance for the period during which he served as a Crew Controller was not sanctioned. Therefore, the respondent submitted a representation for grant of running allowance since he was medically decategorised and based on



supernumerary post. The Tribunal since granted the relief, the Union of India preferred the present writ petition.

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4. The scope of Running Allowance Rules as well as the applicability of Running Allowance Rules to the category of running staff, who were directly engaged in actual movement of trains, has been decided by the Hon'ble Supreme Court in **B.Banerjee's** case [supra]. Paragraph Nos.9 and 10 of the said judgment read as under:

"9. From the provisions of the Running Allowance Rules, extracted above, it is abundantly clear that only a specific category of employees in the Railways like Drivers, Motormen, Firemen, Guards, Assistant Guards etc. who constitute the running staff and such staff who are directly connected with the movement of trains perform running duties. Running Allowance under the Rules is required to be paid only to the running staff who are engaged in the performance of duties directly connected with the movement of trains and such allowance includes kilometerage allowance or allowance in lieu of kilometerage (ALK). While kilometerage allowance is to be paid for performance of actual running duties, the allowance in lieu of kilometerage (ALK) is to be paid to such members of the running staff who are temporarily required to perform stationary duties. The rules also make it clear that 30% of the basic pay of the running staff is required to be treated as representing the pay element in the Running Allowance. Those members of the running staff who are employed on non-running duties are paid the aforesaid 30% of the basic pay if such non-running duties are performed at the headquarters whereas in case such non-running duties are performed by the running staff at outstations they are required to be paid ALK at the rates prescribed by Rule 907(b). It is thus clear that no Running Allowance i.e. either kilometerage allowance or allowance in lieu of kilometerage is contemplated for any staff, including erstwhile members of the running staff, permanently engaged in performance of stationary duties. Running Allowance of either description is required to be paid only to members of the running staff who are directly engaged in actual movement of trains or such staff who are temporarily assigned stationary duties but who are likely to go back and perform running duties. The respondent does not fall in either of the above two categories.

10. The retention of decategorised Drivers working as Crew Controllers in the original cadre of Drivers by the Railway Board's



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Circular No.9/98 dated 09.01.1998 and their entitlement to Running Allowance (ALK) has to be understood in the above context. The aforesaid inclusion, which is wholly fictional, cannot confer any benefit contrary to the express provision of the Running Allowance Rules inasmuch as a decategorised Driver working as a Crew Controller is not a member of the running staff or engaged in performance of running duties as defined by the provisions of Running Allowance Rules. The above position has been made abundantly clear by the Railway Board Circular No.12/2004 dated 14.01.2004, details of which have already been noticed.”

5. The Hon'ble Supreme Court considered the eligibility of decategorised drivers working as Crew Controllers and therefore, the case of the respondent would also squarely fall under the ratio laid down by the Hon'ble Supreme Court in the judgment in **B.Banerjee's** case [supra]. The respondent admittedly was medically incapacitated to serve as Loco Pilot and subsequently, permitted to serve as Crew Controller and retired from service. That being the factum, the judgment of the Central Administrative Tribunal is running counter to the legal position settled by the Hon'ble Supreme Court in the case of **B.Banerjee's** case [supra].

In view of the above factum, the order of the Central Administrative Tribunal, Chennai Bench, dated 01.12.2022 passed in O.A.No.1586 of 2017 is set aside and the writ petition stands allowed. No costs.

(S.M.S.,J.) (N.S.,J.)
09-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No
gm



WEB COPY

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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

gm

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