

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5180 of 2016

Date of Decision: 18.03.2016

Dinesh Kumar Singh

...Petitioners

VS.

CAT & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Shekher Dhawan**

Present: Mr. Karnail Singh, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) The petitioner assails the order dated 29.10.2015 whereby the Central Administrative Tribunal, Chandigarh Bench (in short, 'the Tribunal') has rejected his claim for the grant of pay and allowances for the higher post of Station Superintendent in the pay scale of ₹7450-11500 for the period he is claimed to have performed duties as Station Superintendent.

(2) The Tribunal has on appreciation of the official record held that the petitioner was working as Deputy Station Superintendent at Ambala Cantt. in the pay grade of ₹6500-10500 when the competent authority vide order dated 23.02.2004 transferred him to Bathinda Station in the same capacity as a Deputy Station Superintendent vice Sh. Champesh Devgan, who was also working as Deputy Station Superintendent at Bathinda.

(3) Notwithstanding the fact that it was a case of mere transfer in the same capacity, the Station Manager at Ambala Cantt. who is admittedly subordinate to Divisional Railway Manager, made an

endorsement giving the impression as if the petitioner was to officiate as Station Superintendent at Bathinda. On the strength of that order, the petitioner started showing his designation as Station Superintendent in the attendance register. The petitioner claims that he continued to serve on the aforesaid higher post till 2008 and thereafter he made a representation seeking pay and allowances of that higher post but such a claim having been turned down, he approached the Tribunal who too has vide order rejected his claim.

(4) We have heard learned counsel for the petitioner at a considerable length and gone through the record.

(5) It is undeniable that the competent authority to transfer the petitioner was Divisional Railway Manager who transferred him in the same rank and status, namely, as Deputy Station Superintendent vice a person who was also holding the same rank. The post of Deputy Station Superintendent was in the pay scale of ₹6500-10500. There was no conscious decision ever taken by the competent authority either to entrust the petitioner the duties of higher post of Station Superintendent or to allow him to officiate on that post. Merely because some endorsement was made by a subordinate authority, the applicant cannot claim to have been assigned the duties of higher post on the basis of which he can claim the pay and allowances in the higher pay scale of ₹7450-11500.

(6) In view of the categorical findings returned by the Tribunal that (i) it was a case of transfer from Ambala Cantt. to Bathinda on the

same post of Deputy Station Superintendent; (ii) there was no decision taken by the competent authority to ask the petitioner to officiate on the higher/promotional post; (iii) the attendance register was self-serving proof created by the petitioner; (iv) the endorsement regarding assignment of duties as Station Superintendent was made by a subordinate authority, we find no reason to differ with the Tribunal.

(7) Dismissed.

(Surya Kant)
Judge

18.03.2016
vishal shonkar

(Shekher Dhawan)
Judge