

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.7.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.14383 of 2016

D.S.M.Agastas Babu

.. Petitioner

Vs.

1. The Union of India
rep. by the Divisional Railway Manager
Guntakkal Division
South Central Railway
Guntakkal.
2. The Senior Divisional Personnel Officer
Guntakkal Division
South Central Railway
Guntakkal.
3. The Senior Divisional Personnel Officer
Chennai Division
Southern Railway
NGO Annexe, Part Town
Chennai 600 003.
4. The Registrar
The Central Administrative Tribunal
Madras Bench
Chennai.

... Respondents

Petition under Article 226 of Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the orders of the fourth respondent made in O.A.No.512 of 2011 dated 30.7.2014 and R.A.No.310/00041/2014 dated 17.8.2015, to quash the same and to consequently direct the respondents 1 to 3 to fix the basic pay of the petitioner by providing eight additional increments and to advance the date of fixation of pay by 3 months and 28 days on his promotion to the post of Station Master, Grade II carrying the scale of pay of Rs.5500-9000 with effect from 01.11.2003.

For Petitioner : Mr.L.Chandrakumar
For Respondents 1 to 3 : Mr.P.T.Ramkumar
R4-Tribunal

O R D E R

(Made by Huluvadi G.Ramesh,J)

The above writ petition has been filed challenging the order dated 30.7.2014 made in O.A.No.512 of 2011 and the order dated 17.8.2015 in R.A.No.310/00041/2014 dated 17.8.2015 and seeking consequential direction to the respondents 1 to 3 to fix the basic pay of the petitioner by providing eight additional increments and to advance the date of fixation of pay by 3 months and 28 days on his promotion to the post of Station Master, Grade II carrying the scale of pay of Rs.5500-9000 with effect from 01.11.2003.

2. Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.P.T.Ramkumar, learned counsel appearing for the respondents 1 to 3.

3. According to the petitioner, he was transferred to Lingeri Railway Station and was directed to officiate as Station Master In-charge, when he was working as Assistant Station Master. Accordingly, he was discharging duties as Station Master In-charge of Lingeri Railway Station from 01.4.1994 to 02.02.1995. It appears that the post of Station Master In-charge was downgraded from the scale of Rs.2000-3200 to Rs.1600-2660 and even then, the petitioner was continuing in the said post till 29.7.2002. He filed a claim petition before the Central Government Industrial Tribunal cum Labour Court at Bangalore for the period from 01.4.1994 to 31.11.2001, claiming officiating allowance, since he was not paid the same. The Tribunal, by order dated 22.3.2007, directed the respondent therein to pay a sum of Rs.56,669/- to the petitioner within six months, failing which, interest to be paid at 12% per annum.

4. Thereafter, the petitioner by representation dated 14.4.2007, requested the second respondent to pay officiating allowance for the period from 01.12.2001 to 29.7.2002 for working at Gooty Railway Station, apart from the award amount and also to grant increment for the period from 01.4.1994 to 29.7.2002. Though the petitioner was paid award amount with interest, his request for officiating allowance was rejected by proceedings dated 18.3.2010. Aggrieved by the said order, the petitioner filed Original Application before the Central Administrative Tribunal and the same was dismissed. Hence, the petitioner has come up with the above writ petition.

5. According to the respondents, the petitioner is not entitled to officiating allowance for the period from 01.12.2001 to 29.7.2002, since the petitioner worked at Gooty during that period and that no order was issued to him to officiate against the higher grade post, as there were two seniors working in that place. Though the petitioner contended that there are records to show that he is entitled to officiating allowance for the relevant period, no record was produced by him.

6. That apart, a perusal of the order passed in the application filed under Section 22(3)(f) of the Administrative Tribunals Act, 1985, to review the order passed by the Tribunal would disclose that the petitioner was one among 12 employees working at the relevant point of time and that there were two employees senior to the petitioner and therefore, the petitioner is not entitled to officiating allowance. The same has not been disputed by the petitioner at any point of time.

7. Furthermore, it appears that the petitioner was transferred to Renigunta on 10.9.1997 and that the annual increment due to him on 01.6.1996 was withheld for a period of 24 months as a penalty and thus, he is not entitled to officiating allowance for that period. Therefore, the claim of the petitioner that he is entitled to officiating allowance is not acceptable.

8. In view of the above, we are of the considered opinion that the Tribunal, after taking note of all the above, has rightly dismissed the application of the petitioner as devoid of merits and thus, we do not see any reason to interfere with the order of the Tribunal. Accordingly, this writ petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kpl
To

1. The Divisional Railway Manager
Guntakkal Division, South Central Railway
Guntakkal.
2. The Senior Divisional Personnel Officer
Guntakkal Division, South Central Railway
Guntakkal.

3. The Senior Divisional Personnel Officer
Chennai Division
Southern Railway
NGO Annexe, Part Town
Chennai 600 003.

4. The Registrar
The Central Administrative Tribunal
Madras Bench
Chennai.

+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.50963

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.50721

W.P.No.14383 of 2016

CA(CO)
GSP(29/08/2018)



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