



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 4671 of 2024

The Union of India, through the General Manager, South East Central Railway, Bilaspur
and others.

Versus

R.K.Naidu s/o Keshavswami Naidu.

Mr. V.A.Bramhe, Advocate for petitioner.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 22nd OCTOBER, 2024

P. C.

Heard.

2. Vide order dated 05.12.2019 the prayer of the respondent-Employee for release of dual charge allowance came to be rejected, which prompted the respondent-employee to prefer Original Application (OA) No. 531 of 2022 before the Central Administrative Tribunal, Circuit Bench at Nagpur.

3. Vide impugned order passed on 19.02.2024 the OA came to be allowed by holding that the respondent-employee is entitled to dual charge allowance and directed to pay dual charge allowance to the respondent as per Rules for the period from 20.03.2014 to 14.12.2018 to be released within a period of six months from the date of receipt of certified copy of the order.

4. Drawing support from Clause 648 of the Indian Railway Establishment Manual, it is claimed that the benefit can be extended only for limited period of six months and not above, and as such the order passed by the Tribunal goes contrary to the mandate provided under Clause 648, which reads as under:

“648 Conditions governing Grant of dual charge allowances :- The limit for payment of dual charge allowance where payable is as under:-

(a) for duties performed against the additional post he may draw ten per cent of the presumptive pay of the additional post subject to the condition that the aggregate of pay and additional pay under this clause shall in no case exceed Rs.80,000/- p.m. No such additional payment shall be admissible for the period exceeding 6 months of such arrangement, under any circumstances.

Authority :- Railway Board's Letter No. P(E) Spl.2009/FR/1/3 dated 21.06.2010-ACS No.214)

a. The grant of dual charge allowance at the rate prescribed in the Rules is admissible in all cases irrespective of the two additional posts being of higher, equivalent of lower status.

b. All proposals for grant of dual charge allowance must be examined in the light of following consideration:-

(i) Essentiality certificate recorded by the controller officer to the effect that it is considered inescapable and absolutely essential to make a dual charge arrangement.

(ii) A certificate that the two posts for which dual charge arrangement is sought to be made, are independent of each other and

(iii) FA & CAO's recommendations.

(c) If an officer is asked to hold dual charge of two posts with headquarters at different stations, he may be allowed the TA/DA as may be separately admissible in addition to the dual charge allowance. The two entitlements are mutually independent and are meant for different purposes. These orders are effective from 13.06.1990.

d. No special pay should normally be granted to a railway servant who is required to hold, in addition to his own, additional charge of a post which was not filled up before.”

5. The fact remains that the aforesaid issue was never canvassed by the petitioner before the Central Administrative Tribunal.

6. Apart from above, it is not in dispute that the respondent has already rendered duties of dual charge i.e. for both the posts, for the period from 20.03.2014 to 14.12.2018.

7. In such an eventuality, had it been a case that the petitioner has intention not to permit the respondent-employee to be entitled for the benefit of dual charge, it was open for the petitioner to withdraw the respondent employee from the second charge, which it has failed to do.

8. In such an eventuality, in our opinion, discretion exercised by the Tribunal cannot be faulted with. The petition lacks of merits and it stands dismissed.

(VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.