



W.P.No.3903 of 2010

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.3903 of 2010
and M.P.No. 1 of 2010
and M.P.No.1 of 2013**

1. Southern Railway,
rep. by the Divisional Railway Manager,
Madurai division, Madurai – 625 016.
2. The Senior Divisional Mechanical Engineer,
Southern Railway,
Madurai Division, Madurai – 625 016.
3. The Divisional Personnel Officer,
Southern Railway, Madurai Division,
Madurai – 625 016.
4. The Senior Section Engineer (Loco)
Southern Railway, Madurai Division,
Madurai – 625 016.

... Petitioners

Vs.

1. The Presiding Officer,
Central Government Industrial Tribunal cum Labour Court,
Shastri Bhavan, Haddows Road, Chennai – 600 006.



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2. The Secretary,
All India Loco Running Staff Association,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the Award dated 31.07.2009 passed in I.D.No.1 of 2008 by the 1st respondent and quash the same as illegal, erroneous, perverse and arbitrary.

For Petitioners : Mr.M.Vijay Anand

For Respondent : R1- Tribunal
Mr.L.Chandrakumar [R2]

ORDER

The present petition has been filed by the petitioners, namely, Southern Railway, challenging the award of the Tribunal granting officiating allowance to persons, who are officiating in the higher posts and also grant of dearness allowance in accordance with the Railway Running Allowance Rules.

2. It is the case of the petitioners that a dispute was raised by the second respondent Union, in which, three issues were referred for



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adjudication to the Tribunal in I.D.No.1 of 2008. The genesis for the dispute was with regard to the payment of officiating allowance in higher posts and also for necessary dearness allowance in accordance with the Railway Running Allowance Rules. Since the persons who were employed and who were directed to officiate in the higher posts were not granted officiating allowance and the requisite dearness allowance was not paid in accordance with the Railway Running Allowance Rules, 1981, the second respondent Union on behalf of the workmen raised the aforesaid dispute. The Tribunal held the dispute in favour of the workmen and directed the payment of officiating allowance and calculation of dearness allowance in accordance with the Railways Running Allowance Rules, 1981. Aggrieved by the said order, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that the first respondent failed to see that the benefit of officiating pay is granted only to such of those employees who are eligible which would be evidenced from the evidence of Ex.M1 and Ex.M2, so also, the dearness allowance in



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line with the Railway Running Allowance Rules. However, without appreciating the exhibits in proper prospective, the Tribunal has allowed the claim of the second respondent which is grossly impermissible.

4. It is the further submission of the learned counsel appearing for the petitioners that the claim of the dearness allowance by including the dearness pay was not permissible as per the Rules, but the reasoning given by the Tribunal for grant of the same is illogical and impracticable and caused financial burden on the petitioners. It is the further submission that the officiating pay in higher grade cannot be claimed as a matter of right and it is contrary to the Rules. Therefore, the learned counsel submits that this Court may set aside the award passed by the Tribunal.

5. Per contra, the learned counsel appearing for the second respondent Union submits that as per Rule 913 of the Indian Railway Establishment Manual, the workmen are entitled to officiating allowance in the higher posts and the Tribunal, properly appreciating the same, has



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granted the said benefit. It is further submitted by the learned counsel that the grant of dearness allowance including the dearness pay is also in terms of the Railway Running Allowance Rules and the Tribunal has appreciated the said Rules and granted the said benefit which does not require any interference.

6. This Court considered the submissions made by both sides and perused the materials available on record.

7. It is relevant to extract here Rule 913 of the Indian Railway Establishment Manual:-

“913. Officiating Allowance:

(i) The officiating allowance in respect of running staff

officiating in running post shall be regulated as under:

(a) “when running staff are put to officiate in a “running post” for 30 days or less, they shall be entitled to pay as admissible in the lower grade plus Running Allowance at the rates and on the condition applicable to the higher



grade in which they officiate enhanced by 15% (except in the case of Second Firemen put to officiate as First Firemen and Engine Cleaners put to officiate as Second Firemen for whom the enhancement will be by 30%) of the kilometrage actually performed for every such higher grade.”

(Authority Board's letter No.E(P&A)II/2016/RS-40 dated 20.02.2019).

(b) when running staff are put to officiate in a “running post” for more than 30 days, their pay in the higher post shall be fixed under the normal rules.

(ii)(a) when running staff are put to officiate in a stationary post for more than 30 days, their pay will be fixed on the basis of their pay in the lower post plus 30% thereof representing the pay element of the Running Allowance.

(b) the fixation of pay of running staff put to officiate in a stationery post for a period of 30 days or less, shall continue to be regulated in terms of Para 911(ii)(a) of the Indian Railway Establishment Manual.

(iii) In cases where the officiating arrangement is initially approved for periods exceeding 30 days the normal rule of fixation of pay will apply; where the period is initially for 30 days,



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the enhanced kilometrage allowance drawn upto 30 days should be allowed to stand but payments for period beyond 30 days should be in accordance with the rules for normal-fixation of pay on promotion.”

8. A perusal of the above Rules makes it clear that the persons who were functioning in the higher post are entitled to receive officiating allowance from the Authority, since they are performing the promotional post without any promotion. Further, a perusal of the order passed by the Authority also reflects that the Authority has taken into consideration all the relevant materials and appreciated the Rules and has granted the said benefit. When a person in the lower category or equivalent category is made to officiate in a particular post, such individual is entitled to officiating allowance which has been consistently ratio laid down by the Courts. In the present case, the workmen having been made to officiate in a particular post are entitled to the officiating allowance as per the Rules and appreciating the same in a proper prospective, the Authority has granted the said benefit and has passed the order which does not interference.



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9. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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To

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Central Government Industrial Tribunal cum Labour Court,
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2. The Secretary,
All India Loco Running Staff Association,
Madurai.



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M.DHANDAPANI, J.

ssb

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