

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.2339 of 2002

New Delhi, this the 3rd day of April, 2003

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Shri S. Sungunan
S/o Late Shri P.K. Srinivasan
Aged 51 years
Dy. Armament Supply Officer Grade-II
Naval Headquarters,
DGAS/West Block No.V,
R.K. Puram,
New Delhi-110 066.

Residing at D-503 P.V. Hostel,
Lodhi Road,
New Delhi-110 003.

-APPLICANT

(By Advocate: Shri S. Sasi Bhushan)

Versus

Union of India
Through the Defence Secretary,
Ministry of Defence, South Block,
New Delhi-110 011.

-RESPONDENTS

(By Advocate: Shri M.K. Bhardwaj, proxy counsel for
Shri A.K. Bhardwaj, Counsel)

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant in this OA has impugned the following letters of the respondents:-


(a) Ministry of Defence letter CP (P)/7702/NHQ/4730/D(civ-I) dated 7th October, 1985 regarding Special Pay (Annexure I).

(b) DOT & T OM No.6/30/86-ESTt (Pay-II) dated 30th November, 1987 notified vide MOD ID No.No.4(6)86/Def(Civ-I) dated 15th February, 1987, regarding Special Pay (Annexure-II).

(c) DOP&T OM No.2/8/97-Estt (Pay-II) dated 16th July, 1998 notified vide MOD ID No.1(5)/98/D(Civ-I) dated 24th July, 1998 regarding Headquarters Allowances (Annexure-III).

2. The case of the applicant is that he is a member of the Indian Naval Armament Service to which he had been encadred in January, 1996. It is further submitted that respondents vide Annexure-I had introduced special pay for all Group 'A' officers of INAS cadre who had been transferred from lower formations except DASO-II who also have been posted to Naval Headquarters. Though in the letter it has been highlighted that pending decision in respect of Group 'A' Officers in Senior Time Scale and Junior Administrative Grade who have been allowed special pay. By this only Junior Time Scale Officer (DASO-II) in Group 'A' organised cadre service alone was left over for reason of pending decision, which is still pending even after 17 years.

3. The said allowance has been revised from time to time on the basis of the recommendations of the Pay Commission but the applicant and the officers like them have not been granted the same. The applicant also pleads that the other offices had granted Special Pay and Planning Allowances to the persons who come under Group 'A' Officers of the organised cadre service. Applicant is also a member of the organised Group 'A' cadre so it is prayed that the applicant should also be granted



Headquarters Allowance at the appropriate rate to be decided by the respondents for the entire tenure of applicant in the Naval Headquarters.

4. The respondents are contesting the OA. Though the respondents had filed a reply on 20.2.2003 and the copy of the same has been kept on record but it appears that since the respondents had given a wrong number of the OA in their reply so the same had been placed on the wrong OA. The counsel for the applicant has no objection to the same taken on record. However, at the request of the parties I had also called for the record of OA 2399/2002. I have gone through the pleading and have also verified that the counter-affidavit has been wrongly placed on that file because of wrong mentioning of the OA No.2300/2002.

5. I have heard the parties and perused the pleadings.

6. The short question involved in this case is whether the officers belonging to DASO Grade-II are to be entitled to any Headquarters Allowance or not. The counsel for the applicant submitted that since the President had been pleased to grant Special Pay to all the Group 'A' Officers so the applicant and his other colleagues though similarly situated are also entitled to the same.

7. However, perusal of Annexure-I would show that the President was pleased to decide that the Special Pay will be admissible to the officers in the Senior Time

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Scale and Junior Intermediate Administrative Grade of Indian Naval Armament Service when they are posted from field units/lower formations on tenure basis to Naval Head Quarters and then the list of those officers as that of DASO Grade-I NASO (OG). NASO (SG), meaning thereby that no Special Pay was granted to the officers of DASO Grade-II since this allowance is a sort of a matter covering pay and allowances. The courts are not to venture upon to direct the respondents to grant the pay and allowances to the applicant. Since decision after due consideration had been taken by the President to grant Headquarters Allowance to those officers who are above to DASO-II whereas DASO Grade-II officers have not been given this allowance, so the applicant is not entitled to the same.

8. Admittedly, the applicant belongs to the DASO-II and is covered under the letter Annexure A-1 as such no interference is called for and the same has to be dismissed. Accordingly, the OA has no merits and the same is dismissed. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

/Rakesh