

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-1283/2014

New Delhi, this the 19th day of February, 2020



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. Non-Gazetted Officers' Association
Lal Bahadur Shastri National Academy
Of Administration, Mussoorie (Uttarakhand)
Through its President
Sh. Nanak Chand
C/o Lal Bahadur Shastri National
Academy of Administration
Mussoorie (Uttarakhand).

2. Vinod Kumar Begassi
S/o late Sh. Ram Chander Begassi
Aged 56 years (DOB: 14/01/1958)
C/o Lal Bahadur Shastri National
Academy of Administration
Mussoorie (Uttarakhand). ... Applicants
(through Sh. A.K. Behera)

Versus

1. Union of India
Through the Secretary
Department of Personnel & Training
& Chairman, Joint Consultative Machinery
(JCM) Ministry of Personnel, Public Grievances
& Pensions, Central Secretariat, South Block
New Delhi-110011.

2. Training Division (Academy Desk)
Dept of Personnel & Training
Through its Joint Secretary
Block IV, Old JNU Campus

New Nehrauli Road, New Delhi-110067.

3. Lal Bahadur Shastri National Academy of Administration (LSBNAA)
Through its Director
Mussoorie-248179 (Uttarakhand) ...Respondents
(through Sh. Aamir Sheikh for Sh. Hanu Bhaskar)

ORDER (Oral)

Mr. Justice L. Narasimha Reddy, Chairman



The first applicant is the Association of Non Gazetted Officers of the Lal Bahadur Shastri National Academy of Administration (Academy) and the second applicant is said to be a member of the Association. Earlier, they filed OA No. 1267/2011 before this Tribunal claiming that, their members are entrusted with arduous and difficult duties, that too, without any specific timing but were not compensated with any allowances whatsoever. They have also made a mention that, other teaching and non teaching staff in the Academy are paid 30% allowance for such duties, but similar facility was not extended to them. They claimed the relief in the form of a direction to the respondents to extend them, the benefit of the Training Centre Allowance. The respondents contested the OA.

2. Through an order dated 16.01.2012, the Tribunal dismissed the OA, observing that there are no merits in it. The applicants filed WP (C) No. 4637/2012 before the Hon'ble High Court of Delhi. The

Writ Petition was disposed of on 06.08.2012, directing that the same be treated as a representation on behalf of the applicants and an order be passed by the Government, on the claim. The 1st respondent passed an order dated 05.10.2012, rejecting the claim of the applicants by assigning detailed reasons. This OA is filed challenging the order dated 05.10.2012.



3. The applicants contend that the Academy is located in a hilly area where, the weather is also inclement and that the subordinate staff is required to accompany the trainees at the time of trekking, and they are also entrusted with arduous duties beyond office hours. They contend that the teaching and non teaching administration staff are being paid extra allowances, and that there is no basis for denying the same to them. It is also stated that the impugned order did not address the issues raised by them and their claim has simply been rejected.

4. On behalf of the respondents, counter affidavit is filed. It is stated that in compliance with the direction issued by the Hon'ble High Court of Delhi, the views of the Academy were obtained and thereafter, the matter was examined with reference to the relevant provisions of law. It is stated that whenever the members of the Association are entrusted with the duties beyond office hours, overtime allowance is paid, in accordance with the Rules and the

claim for payment of the Training Centre Allowance is impermissible in law.

5. We heard Sh. A.K. Behera, learned counsel for the applicants and Sh. Aamir Sheikh, proxy counsel appearing for Sh. Hanu Bhaskar, learned counsel for the respondents.



6. This is the second round of litigation initiated by the applicants, claiming the benefit of the Training Centre Allowance. Though the applicants assert that such facility exists in the Academy, they did not place any material in support of that. The record discloses that it is only the faculty, that too, drawn from other Institutions like Universities, that are paid allowances at 30%. None of the employees of the Academy are allowed any extra allowance. The respondents have stated that whenever an employee is entrusted with the duties beyond office hours, overtime allowance is paid.

7. Learned counsel for the respondents has brought to our notice that in the recent past, the 7th Pay Commission has done away with all the allowances. Therefore, a totally different picture has emerged altogether. Once the Pay Commission has addressed all the relevant issues, it is not open to us, to deal with the same. The respondents have also examined the issue in detail, in compliance with the orders passed by the Hon'ble High Court of Delhi.

8. We do not find any merit in the OA, and accordingly, the same is dismissed. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/

