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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2481/2001

New Delhi, this the 8th day of February, 2002

HON'BLE SH. GOVINDAN S. TAMPI, MEMBER (A)
HON'BLE SH. SHANKER RAJU, MEMBER (J)

D. C. Murmu
India Government Mint
D-2, Sector-1, Noida.

(By Advocate: Sh. S.C. Soren)

Versus

1. The Secretary,
Ministry of Finance,
North Block,
New Delhi.
2. General Manager,
India Govt. Mint
D-2, Sector-1, Noida.

(By Advocate: Sh. Mohar Singh)

ORDER (ORAL)

By Sh. Shanker Raju, Member (J)

By an order passed on 20.9.2001 the prayer of the applicant for promotion has been rejected but notices have been issued for grant of special pay for performing the duties of Assistant Grade-1. Applicant by referring to the decision of the apex court in Democratic Rights vs. Union of India 1982 (3) SCC 235 stated that once he has been made to work as Machine Operator, he is also entitled for the salary of a Machine Operator. The respondents since 1996 have used him as a Machine Operator as such he has sought in this OA special officiating pay for shouldering higher responsibility w.e.f. 1996.

2. On the other hand, counsel for respondents stated that there are two categories of trade man as well as non-trade man which are to be deputed on technical duty. As the applicant is not qualified for being deputed as Assistant Grade-1 or
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Machine Operator, he is not performing any technical job. In this backdrop, it is stated that the applicant is not entitled for the officiating pay as he has not been shouldering any higher responsibility.

3. We have carefully considered the rival contentions of the parties and perused the material on record.

4. In our considered view, once the respondents have assigned the duties of Machine Operator to the applicant he continued to perform the same having requisite qualification of technical job, he cannot be deprived of the officiating pay for the post as he has shouldered higher responsibility. Respondents should have taken off the applicant from technical duties and have assigned him duty as per his eligibility and qualification. As a non-trade man there is no question of technical duties to be performed by the applicant.

5. In this view of the matter, we direct the respondents to pay to the applicant officiating pay for the period from October 1996 till he has performed the duties of technical nature within a period of 3 months from the date of receipt of a copy of this order with all consequential benefits. It is, however, open to the respondents to take off the applicant from performing such duties in accordance with law. OA is disposed of accordingly. No costs.

S. Raju

(SHANKER RAJU)
Member (J)

'sd'

Govindan S. Tampi

(GOVINDAN S. TAMPI)
Member (A)