

Central Administrative Tribunal
Principal Bench

O.A. 1248/98

New Delhi this the 11th day of October, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri V.K. Majotra, Member(A).

Mool Chand Tyagi,
Laundry Supervisor,
G.B. Pant Hospital,
Govt. of Delhi, Jawahar Lal Marg,
New Delhi-1.

... Applicant.

(None present)

Versus

1. Govt. of Delhi, Service through
the Hon'ble Chief Secretary of Delhi,
5, Sham Nath Marg, Delhi-110054.
(Chief Administrator)
2. The Principal Secretary of Health
and Family Welfare, Govt. of Delhi,
5, Sham Nath Marg, Delhi-54.
(Nodal Secretary)
3. Joint Secretary (Medical)-cum-Principal
Hospital Co-ordinator, Technical
Recruitment Cell, 1, Jawahar Lal Road,
New Delhi (Cadre Controlling Authority
of Para Medical Staff).
4. Medical Superintendent,
G.B. Pant Hospital, Govt. of Delhi,
1, Jawahar Lal Road, New Delhi-1. ... Respondents.

(None present)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

This case was listed for final hearing at Serial No. 2 in today's cause list. As none has appeared for the parties even on the second call, we have perused the pleadings in the O.A. and the counter reply filed on behalf of the respondents.

2. The applicant has impugned the order passed by the respondents dated 24.4.1998 rejecting the reliefs

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claimed by him in his legal notice dated 15.3.1998 for grant of certain financial benefits. ✓

3. The brief relevant facts of the case, as seen from the counter reply filed by the respondents are that consequent upon the promotion of one Shri T. N. Mannan, Laundry Supervisor, the applicant, Laundry Technician was directed to look after his work. They have stated that the applicant was informed that he would not be entitled to draw extra pay or allowances for this purpose. They have further stated that this arrangement was made to carry out the smooth functioning of Laundry Department and such practice is in existence in all offices. Admittedly, the applicant was promoted to the post of Laundry Supervisor on regular basis w.e.f. 5.5.1998. From the facts in the counter affidavit, it is, therefore, clear that the applicant was looking after the work of Laundry Supervisor, in addition to his own duties w.e.f. 31.5.1993 till his date of promotion to that post on 5.5.1998.

4. The applicant has stated in the OA that the additional work he was asked to look after as Laundry Supervisor, in addition to his post as Laundry Technician, was not a routine duty and, therefore, it attracts the provisions of FR 9(25). He has, therefore, claimed that he is entitled to special pay/extra emoluments for the period he was asked to work in the higher post of Laundry Supervisor. He has also submitted that the post of Laundry Technician is the Feeder Cadre for Laundry Supervisor and since he has been working in the higher post since 31.5.1993, and later promoted as Laundry Supervisor, his
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promotion should be ante-dated w.e.f. 31.5.1993.

He had made a number of representations to the respondents as mentioned in Paragraph 6 of the O.A. and finally a legal notice dated 15.3.1998 was issued through counsel to which the respondents had given a reply on 24.4.1998 (Annexure 'A') rejecting his claim. Hence, this O.A. in which his main claim is that a direction may be given to the respondents to grant him special pay under the provisions of FR 9(25), for looking after the work of Laundry Supervisor, in addition to his own duties as Laundry Technician, as the additional job carries more arduous, skilful work and more responsibility of supervision in running the Laundry Unit of G.B. Pant Hospital, New Delhi from 31.5.1993 to 4.5.1998.

5. The respondents have agreed with the contention of the applicant that consequent upon the promotion of Shri T.N. Mannan, Laundry Supervisor, he was asked to look after the work of Laundry Supervisor for smooth functioning of the Laundry Department. This arrangement was continued till he was promoted to the post of Laundry Supervisor on regular basis w.e.f. 5.5.1998. Laundry Supervisor is a promotion post from the post of Laundry Technician, which the applicant held in a substantive capacity. It cannot, therefore, be denied that the arrangement made by the respondents meant that the applicant had discharged the additional work of higher responsibility as Laundry Supervisor for the period from 31.5.1993 to 4.5.1998. The respondents have stated that the DPC had not found him fit for promotion w.e.f. 31.5.1993 but he was promoted subsequently on 5.5.1998. However, at the same time it is

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relevant to note that the respondents have indeed continued to get the work of Laundry Supervisor from the applicant for the intervening period. In the facts and circumstances of the case, we see no good grounds to deny the claim of the applicant for special pay for shouldering the job of Laundry Supervisor which the respondents had burdened him with, which post obviously carried additional work and responsibilities, as it is a promotion post from the post of Laundry Technician.

6. In the result, for the reasons given above, O.A. succeeds and is allowed with the following directions:

Respondents are directed to grant special pay under FR 9(25) (b) to the applicant for looking after the work of Laundry Supervisor, in addition to his own duties as Laundry Technician, from 31.5.1993 to 4.5.1998. Necessary action in this regard shall be taken within two months from the date of receipt of a copy of this order. No order as to costs.

V.K. Majotra

(V.K. Majotra)
Member(A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'