

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 1833/96

New Delhi this the 15th day of March, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

S.S. Iyer  
C-6/43/2 Safdarjung Development Area  
New Delhi-110016. ....Applicant  
(Applicant present in person)

Versus

1. Secretary,  
Ministry of Water Resources  
Shram Shakti Bhavan,  
Rafi Marg, New Delhi-110001

2. Secretary,  
Department of Personnel  
& Training, North Block,  
New Delhi-110001.

....Respondents.

(By Advocate: Shri D.S. Jagotra  
proxy for Shri K.C.D. Gangwani)

ORDER (Oral)

By Mr. Ashok Agarwal, Chairman

Applicant's claim is that he should be paid his salary of Chairman, Brahmaputra Board. The aforesaid Board is not one of the bodies which are covered under the jurisdiction of this Tribunal under Section-14 (2) of the Administrative Tribunals Act. In the circumstances, it is contended on behalf of respondents that this Tribunal has no jurisdiction to entertain the present OA.

2. As against this, it is contended by the applicant who has appeared in person that what he is impugning in the present OA is an order passed by the Govt. of India, Ministry of Water Resources issued on 30.5.94 whereby it is stipulated that applicant who was selected and appointed to the post of Vice-Chairman by

the aforesaid order has been directed to perform the duties and functions of Chairman in addition to his own duties until further orders. It is by this order, ~~is~~ is stipulated that applicant will not be entitled to draw any extra remuneration on this account. It is further contended by the applicant that in so far as his appointment to the post of Vice-Chairman is concerned, the same has not been directed by any order passed by the Board. The same has been in-consequence of selection by a Selection Committee comprising of Member (Agriculture) Planning Commission as its Chairman, Secretary, DOPT and Secretary, Water Resources as its Members. According to the applicant the finance which is received by the Board is from the Central Government. ~~Whatever even if this be so,~~ Be that as it may, it cannot be disputed that the salary which is payable and which is claimed by the applicant is from the Coffers of ~~the~~ the Board. If the present OA seeks payment of an additional amount of salary, <sup>that</sup> ~~that~~ has been paid to him. The order will be directing the the Board to make the said payment. Since the Board is not within the jurisdiction of this Tribunal, we are constrained to hold that the Tribunal has no jurisdiction to entertain the present OA.

3. Even on merits, we find that the claim made by the applicant for being paid the salary of a Chairman is not justified. The order appointing him to perform additional duties of a Chairman is to be found at Annexure P-III dated 30.5.1994. The same inter-alia provides as under:-

*Nef*

"I am directed to convey the approval of the competent authority to entrusting the duties and powers of Chairman Brahmaputra Board, to Shri S.S. Iyer, Vice Chairman Brahmaputra Board, in addition to his own duties and powers with immediate effect until further orders or till such time arrangements are made to vest the charges of Chairman of the Board to Secretary, North Eastern Council, whichever is earlier.

Shri S.S. Iyer will exercise and discharge the duties and powers of Chairman Brahmaputra Board, prescribed in the Brahmaputra Board Act 1980 (46 of 1980), and the relevant rules made thereunder.

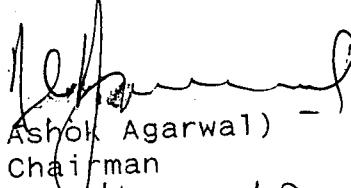
Shri S.S. Iyer shall not be entitled to draw any extra remuneration on this account".

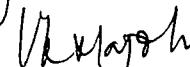
4. Aforesaid order, we find that ~~that~~ ~~it~~ does not appoint the applicant to the post of Chairman. Applicant's position as a Vice-Chairman has remained unaltered. All that has been done is to require him to perform the duties and functions of the Chairman in addition to his own duties of Vice-Chairman. This is a stop gap arrangement made ~~or~~ till such time arrangements are ~~being~~ made to vest the charges of Chairman of the Board. The order further goes on to clarify that the applicant will not be entitled to draw any extra remuneration on this account. As has already been pointed out ~~that~~ the appointment to the post of Chairman is to be made by a Committee comprising of the aforesaid three Members viz;

1. Member (Agriculture)  
Planning Commission, (Chairman)
2. Secretary, DOPT (Member)
3. Secretary, Water Resources (Member)

*V.H.*

5. Aforesaid order of 30.5.94 under which the applicant has been directed to perform additional duties is not an order passed in consequence of a selection made by the aforesaid Committee. The post of Chairman, Vice-Chairman etc., have to be approved by the Appointment Committee of the Cabinet (ACC). As far as the order of 30.5.94 is concerned, the same no doubt has been issued in pursuance of a direction issued by the Minister, Water Resources. The same has, however, not been issued with the approval of the ACC. Reliance placed on FR-49 <sup>is misplaced, the same</sup> does not apply in this case as the same will be applicable only in case of appointments formally approved by the ACC. Claim made by the applicant for being paid, the pay of Chairman and also further payment of retiral benefits on that basis in these circumstances is found devoid of merit and the same is accordingly dismissed. No costs.

  
(Ashok Agarwal)  
Chairman

  
(V.K. Majotra)  
Member (A)

cc.