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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

HON. SHRI R.K. AHOOJA, MEMBER(A)

O.A. NO. 573/1996

NEW DELHI, THIS 20 DAY OF APRIL 1997

SHRI S.C. MISRA
C-4/D 37C
Janakpuri
NEW DELHI

..APPLICANT

(By Advocate - Shri N. Ranganathaswamy)

VERSUS

1. UNION OF INDIA, through
The Secretary
M/o Personnel & Training
Block II, 2nd Floor
CGO Complex
Lodi Road, NEW DELHI
2. The Financial Advisor
Ministry of Defence
South Block
NEW DELHI
3. The Controller General of Defence Accounts
West Block 5
R.K. Puram
NEW DELHI
4. The Controller of Defence Accounts
PD, Meerut-250001.
5. The Director
NIMA & CDA (Trg.)
Meerut

..RESPONDENTS

(By Advocate - Shri S.M. Arif)

ORDER

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The applicant is aggrieved by the order at Annexure A issued from the office of CDA whereby his representation dated 1.12.1994 to grant him training allowance for the period 3.1.80 to 27.3.91 while serving as Accounts Officer in NIMA has been rejected. The case of the applicant is that during the afore-said period he had been posted as a faculty member of NIMA which is a training institute for imparting training to Indian Defence Accounts officers. As per O.M. 12017/2/86-Trg. (TNP) dt. 31.3.87,

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certain incentives were extended to the faculty members including those who were other than permanent faculty members by way of a training allowance at the rate of 30% of the basic pay. The applicant submits that since he was posted as a faculty member, discharging all the duties of a faculty member by way of taking classes, lectures, he was under the belief that the training allowance will be given to him also. This assurance was also extended to him. Later he learnt that instead of giving him the training allowance, an ad hoc remuneration of Rs.225/- was being offered to him for taking lectures. He therefore represented to the Financial Advisor, Defence, but the same was turned down by the impugned order. Hence this O.A. seeking direction to the respondents to pay him the training allowance admissible to faculty members along with interest at 18%.

2. The respondents deny the claim of the applicant and state that he had been posted to the NIMA as Accounts Officer only and his primary work was to deal with TA/DA and other financial matters. For taking such classes as he did, it was decided to give an ad hoc remuneration of Rs.225/- about which he was duly informed, but he did not collect the amount.

3. I have heard the ld. counsel on both sides. The main question to be decided is whether the applicant had been posted to the Institute as a permanent or temporary faculty member. According to the respondents, it was only the Director and the Deputy Director who had been designated as faculty members. The ld. counsel for the applicant submits that the respondent's record will show that he was a faculty member and it was with that purpose and objective that he had been posted to the Institute. In order to establish his case, the applicant also filed an M.A. for production of the relevant record which also came up for consideration along with the O.A.

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4. I have carefully considered the matter. The undisputed fact is that the applicant's posting to the Institute was in the capacity of Accounts Officer. Annexure A to the reply statement pertaining to the transfer order of the applicant shows that he was being posted in place of one Shri Uttam Singh, Accounts Officer. It is also not denied that at least some of the functions of Accounts Officer like TA/DA etc. were being discharged by the applicant. Clearly, therefore, the applicant was not a whole-time faculty member. It is not necessary, as prayed for in the M.A. that the records be summoned to see as to what was the work actually taken from the applicant since training allowance, by the very wording of the order dated 31st March 1987 (Annexure B to O.A.), is to be granted to faculty members and unless an official is declared to be a faculty member based on the task for which he has been primarily posted, he cannot be made eligible for the training allowance. I therefore see no reason to ~~draw~~^{delve} into the records to see as to how many classes or lectures were taken by the applicant.

5. It is well known that training institutes have a permanent training staff which is assisted by outsider eligible and competent persons invited for training, lectures, workshops etc. and similar other assignments. They are paid honorarium or fees for such work. That does not give them the position of faculty members. The mere fact that the applicant happened to be posted in the same institute as an Accounts Officer when he was called upon to take some training work also does not make his position any different and confer upon him the status of a faculty member. It is not necessary for me to go into

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the question whether the compensation being offered to him is adequate or not since that is not the question raised in this Application.

6. While I do not accept the contention of respondents that the present O.A. is time barred, I nevertheless find no merit in the application for reasons discussed above. The O.A. is accordingly dismissed. No costs.

R.K. Hoodja
(R.K. HOODJA)
MEMBER (A)

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