

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

D.A.N.D. 2354/89

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 27th day of November, 1996

Shri S.N.Sethi,
H-43, Swati Apartments
12, Patparganj
Behind Mother Dairy Complex
Delhi - 110 092. ... Applicant

(By Shri G.D.Gupta, with Shri Pramod Gupta,
Advocate)

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1. Union of India through
The Secretary
Ministry of Water Resources
Shram Shakti Bhawan
NEW DELHI - 110 001.

2. Chairman and Ex-Officio
Secretary to the Government of India,
Central Water Commission, Sewa Bhawan
R.K.Puram
NEW DELHI - 110 066. ... Respondents
(By Shri R.P. Aggarwal, Advocate)

ORDER

The applicant, while working as Chief Engineer(P.P. Cell) in the cadre of Central Water Engineering (Group 'A') Service, was asked vide order No.A-22012/1/85-Estt.I dated 20.5.1985 in addition to his own duties of Chief Engineer (P.P. Cell) to hold the current charge of the office of Member(P&P) till such time a regular appointment was made. It was further stipulated that he will not be entitled to draw any extra remuneration under the arrangement. The applicant states that this arrangement continued till 25.8.1986. The applicant claims that he was not holding merely the current

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charge of the post of Member(P&P) but also discharging the full duties thereof, and hence he was entitled to either pay of the post of Member(P&P), which was a post next in line for promotion or alternatively special pay of 10% of existing pay, under F.R.-49. He submits that the respondents have not granted the requested relief despite representations made by him on the ground that he was not entitled to the grant of remuneration for holding the 'current charge'.

2. The respondents in their reply have stated that the Office Order dated 20.5.1985, clearly indicated that he would hold the current charge of the post till such time as regular appointment was made and he would not be entitled to draw any extra remuneration under the said arrangement.

Thus, the arrangement was of a routine nature and for this under F.R.-49(v), no additional pay would be admissible.

3. I have heard the counsel on both sides and have gone through the pleadings on record. Shri G.D.Gupta, learned counsel for applicant submits that neither the Office Order dated 20.5.1985 stated that the applicant was merely to discharge the 'current duties' of the higher post nor merely the 'routine duties' assigned to him. For this

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he drew my attention to Annexure P-1 to his rejoinder which is an order for deputation of Indian Delegation to Washington for discussion with the World Bank, wherein the applicant was included in his capacity as a Member(P&D). Further, vide Annexure P3, he was appointed as nominee of Chairman, Central Water Commission to work on the arbitration Board. The same appointment is shown by Annexure P4. Annexure P5 is a summary record of discussion of the Review Meeting on Sutlej Yamuna Link Canal Project, which was presided over by the applicant. Annexure P6 is a Tour Programme of the applicant as a Member(P&P), Central Water Commission(CWC). Annexure P7 is a list of Members/Invitees who attended the SSCAC held on 07.8.1986, which was attended by the applicant as a Member(P&D) in his capacity. Annexure P8 is a summary record of the National Conference of Irrigation and Water Resources. The learned counsel stated that all these Annexures show that the applicant was discharging the full duties of the post of Member(R&D) and therefore, he was rightly justified in his claim for additional remuneration.

4. The learned counsel for respondents contends on the other that the order of 20.5.1985 clearly stipulated that the applicant would not be entitled to any additional remuneration. The applicant accepted that order and for one full year made no move for claiming any additional remuneration.

It was only at the time of his superannuation that

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he took up the matter. Had the applicant found that he was being asked to do the full work of Member(R&D) he should have sought a review of the orders immediately.

5. I have considered the above contentions. The order of appointment dated 20.5.1985 does not speak at all of 'current' or 'routine' duties of the post of Member(P&P). What it contains is that the applicant would hold 'concurrent charge'. According to Black's Law Dictionary, concurrent means running together, having the same authority acting in conjunction, existing together and operating on the same subject. According to the Oxford Concise Dictionary, concurrent means existing or in operation at the same time; existing or acting together. In the present context holding 'concurrent charge' would mean holding that charge simultaneously. No limit on the functions to be discharged by the officer has been ~~prescribed~~²² by saying that he would attend only to the 'current' duties. Even otherwise it does not stand to reason that such an important post would remain totally unattended to for a period of more than year. The various Annexures pointed out by the learned counsel for applicant also clearly indicate that the applicant had been sent abroad, asked to preside over important interstate discussions and was placed on arbitration Boards in his capacity as Member (P&D). Hence it could not be said

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that he only discharging routine duties or current duties for the post of Member (P&D).

6. In view of the above discussion, the application is allowed. The respondents are directed to refix the pay of the applicant in terms of F.R.-49(I) against the post of Member(P&P). It is further directed that the applicant would be paid arrears and all consequential benefits be paid within three months from the date of receipt of a copy of this order. No costs.

R.K. Ahuja
(R.K. AHUJA)
MEMBER(A)

/rao/