



**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.1302/2020

Today this the 17th day of September, 2020

Through video conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Prosanta Kumar Banerjee, Age 50 yrs,
S/o Late Shri Rabindra Nath Banerjee,
Working as Assistant Section Officer, Group – B,
Directorate of General Security,
Cabinet Secretariat,
R/o B-6/127, 3rd Floor, UDAP Colony,
Nehru Nagar, Behind Vimhans Hospital,
New Delhi – 110065.

... Applicant

(By Advocate :Mr. C. Bheemanna)

Versus

1. Union of India through the Special Secretary, ARC,
Aviation Research Centre,
Directorate General of Security,
Cabinet Secretariat, East Block-V, Level-IV,
R. K. Puram, New Delhi- 110066.
2. Inspector General, SFF,
Special Frontier Force,
Office of IG SFF,
(Cabinet Secretariat),
East Block-V, Level-IV,
R.K. Puram, New Delhi – 110066.

.. Respondents

(By Advocate : Mr. Gyanendra Singh)

Order (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant is working as Assistant Section Officer (ASO) in the Aviation Research Centre under the Directorate



General of Security. It is stated that he passed AAO (Civil) Examination. According to the applicant, an employee who passed such an examination is entitled for special allowance and despite repeated demands, it has not been extended to him. On 02.12.2019, the respondents rejected the claim of the applicant and this OA is filed challenging the said order.

2. We heard Mr. C. Bheemanna, learned counsel for the applicant and Mr. Gyanendra Singh, learned counsel for the respondents, at the stage of admission.
3. The claim of the applicant is for special allowance and the basis there for is his passing in AAO (Civil) Examination . Had it been a case where the applicant made the claim recently and it was rejected through the impugned order dated 02.12.2019, the Tribunal would certainly have examined it. A perusal of the impugned order discloses that the applicant made this very claim on 01.02.2012 and on a consideration of the same, the respondents passed an order dated 07.02.2012. It was to the following effect:-

"It is intimated that the special allowance is only applicable to those SAS qualified pers who are in waiting of promotional post of Asstt Accounts Officer. Since being a UDC you do not belong to the feeder post and are also in the promotional post of Accounts Cadre, you are not eligible for special allowance. In this connection, please refer CGA Office Memorandum No.A.11019/33/2001/MF.CGA(A)/III/503 dt.15 Dec 2009 and Appx 8 (20) of Swamy's Compilation of FR SR Part I."



4. Cogent reasons were assigned as to how and why the applicant is not entitled to the special allowance. In case the applicant was not satisfied with the reply given by the respondents or he did not agree with the interpretation, the course open to him was to challenge it at that time. In a way, the applicant has either acquiesced in the correctness of the order dated 07.02.2012 or was waived his entitlement which was otherwise due. He remained quiet for eight years, and submitted a fresh representation on 25.06.2019. Except that they have conveyed their earlier decision dated 07.02.2012, the respondents did not decide anything fresh.

5. We are of the view that the OA cannot be entertained either on facts or in law. Accordingly, the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

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