

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/01089/2014

HYDERABAD, this the 7th day of October, 2020.

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



Sri Dr. T. Radha IAS,

S/o Lae Sri Iyannan Thavalagiri, aged about 58 years,
Occupation : Principal Secretary to Govt. of Telangana,
Department of BC Welfare, Telangana Secretariat,
Hyderabad-500022.

...Applicant

(By Advocate : Dr.S.Challappa)

Vs.

- 1.The Government of Telangana,
Rep by its Chief Secretary, Telangana Secretariat,
Hyderabad.
 2. Principal Secretary to Govt. of Telangana (Political),
Telangana Secretariat, Hyderabad-500022.
 3. The Government of Andhra Pradesh,
Rep by its Chief Secretary, Andhra Pradesh
Secretariat, Hyderabad-500022.
 4. Principal Secretary to Govt of Andhra Pradesh (Political),
Andhra Pradesh Secretariat, Hyderabad-500022.
 5. Union of India, rep by its Secretary, Dept of
Personnel & Training, Public Grievances & Pensions,
New Delhi.
-Respondents

(By Advocate : Mrs.K.Rajitha, Sr.CGSC

Mr.P.Raveender Reddy, SC for State of Telangana,

Mr.M.Bal Raj, Govt. Pleader for State of AP)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



The O.A. is filed questioning the inaction of the respondents in considering the case of the applicant for deputation allowance.

2. The brief facts of the case are that the applicant while working for the respondent's organization, was posted as Vice Chairman and Managing Director of A.P. State Civil Supplies Corporation, Hyderabad. He held the post from 29.4.2002 to 7.4.2003. Similarly, he worked as Vice Chairman and Managing Director, A.P. Oil Seeds Growers Federation Limited on deputation for the period from 1.12.2004 to 1.1.2010. The applicant contends that since he has been sent on deputation to a State Public Undertaking, he has to be granted deputation allowance as per the Central Govt. guidelines vide letter dated 28.11.2007 & DOPT Memo dated 21.8.2002. Applicant represented on several occasions for grant of deputation allowance. While he was representing, the A.P. Government came up with the terms and conditions of deputation wherein a specific clause termed as 'other benefits' was included under clause 16 of G.O. Rt. No.6753 G.A.(Spl-A) Department dated 29.11.2004. A similarly placed officer Dr. S. Challappa, was granted the benefit when he approached the Tribunal in O.A. No.61/2010 dated 25.6.2010. Respondents carried the matter to the Hon'ble High Court of Andhra Pradesh wherein the applicant in the O.A. was directed to represent for consideration by the respondents. The respondents granted the benefit to Dr. Challappa but

they did not extend the said benefit to the applicant. Aggrieved, O.A has been filed.



3. The contentions of the applicant are that the respondents have not followed the Central Government guidelines contained in letter dated 28.11.2007. The action of the respondents in denying deputation allowance is violative of Articles 14 & 16 of the Constitution of India. Principles of natural justice have also been violated in the process. The G.O. No.1095 dated 14.3.2011 issued by the State Government cannot deviate from the standard terms and conditions laid down by the Government of India in respect of grant of deputation allowance. The applicant cited judgements of superior judicial forums in support of his contentions.

4. The respondents in their reply statement have stated that the applicant while working in the super time scale of pay in IAS cadre, has been posted as Vice Chairman and Managing Director, A.P. Civil Supplies Corporation Limited. The DOPT has communicated the standard terms and conditions for deputation of All India Service officers to Central Public Sector Undertakings etc, by letter dated 21.8.2002. Respondents affirm that in the order of deputation the standard terms and conditions vide letter dated 21.8.2002, unless specifically stated, will not be made applicable. The 5th respondent i.e. the State Government wrote to the Government of India for clarification as to whether the standard terms and conditions contained in letter issued in 2002 could be applied for the officers working for the State Government. In response, the 5th respondent replied that the



conditions laid down in letter dated 21.8.2002 can be applied if the State Government so desires. Thereupon, the State Government has not issued any orders adopting the standard terms and conditions laid down in the cited letter. Meanwhile, the applicant was posted as Vice Chairman and Managing Director, A.P. Oil Seeds Growers Federation Limited, Hyderabad on deputation basis. In the deputation letter, there is no mention about payment of deputation allowance to the applicant. The reference given by the applicant with regard to the other benefits would mean those benefits which have been extended to the employees working in the concerned PSU and they don't refer to the deputation allowance per se. Besides, any officer, who is on deputation, opts for the scale of the PSU, he would not be eligible for deputation allowance. Only when he draws the pay in his parent cadre, then the question of deputation allowance arises. However, in respect of the PSUs where the applicant has worked, there are no scales corresponding to the scales of his parent cadre to take a view in the matter. Moreover, deputation allowance cannot be granted to officers, who are working in the Secretary cadre as per letter dated 20.9.2008 issued by the 5th respondent consequent to the implementation of the VI CPC. Applicant worked in super time scale of pay as Secretary and hence ineligible for deputation allowance. Nevertheless, State Government decided to implement the order of DOPT dated 30.9.2008 in regard to All India Service officers working on deputation to PSUs, Corporations vide G.O. No.1095 dated 14.3.2011, with prospective effect. The IAS officers drawing super time scale of pay sent on deputation prior to the issue of the letter



dated 14.3.2011 are therefore not eligible for drawing deputation allowance as per State Government's decision. Nevertheless, two officers namely, Sri Mohd. Shafiquzzaman, IAS & Dr. S. Challappa, IAS approached this Tribunal in OA Nos.60/2010 & 61/2010 respectively wherein the Tribunal directed the respondents vide order dated 23.6.2010 to pay deputation allowance to the applicants therein. The same was challenged before the Honøble High Court and based on the interim orders of the Honøble High Court of Andhra Pradesh dated 29.1.2011, the State Government has taken a decision to pay deputation allowance to the officers cited. The orders of the Honøble High Court are in *personam* and are not applicable to other officers.

5. The applicant has filed rejoinder to the reply filed by Respondents No.3 & 4 stating that as far as the pay and perquisites of All India Service officers are concerned, it is always the domain of the Government of India but not the State Government.

6. Heard Dr. S. Challappa, learned counsel for the applicant and Mrs.K.Rajitha, learned Sr.CGSC, Mr.P.Raveender Reddy, learned Special Counsel for State of Telangana, Mr.M.Bal Raj, learned Govt. Pleader for State of AP appearing for the respondents, and perused the pleadings on record.

7. The issue in question is drawing of deputation allowance to the applicant, who has gone on deputation to State Public Undertakings. Drawal of deputation allowance is covered by the instructions contained in Govt. of India letter dated 21.8.2002. The State



Government has not laid down any such guidelines in regard to deputation allowance for IAS officers who go on deputation to State PSUs and, therefore, clarification was sought from the Government of India. 5th respondent vide its letter dated 20.9.2008 informed that it is left open to the State Government to adopt the guidelines contained in letter dated 21.8.2002 and also grant deputation allowance as is granted by the Government of India. Respondents have not adopted the guidelines contained in letter dated 21.8.2002. Once the guidelines are not adopted, the applicant is not eligible to be granted deputation allowance for working on deputation in State controlled Corporations is the stand of the respondents. Further, respondents confirm that those officers who are working in the grade of Secretary are not eligible for deputation allowance as per relevant rules. They also state that as per letter dated 20.9.2008, the State Government has decided to grant deputation allowance up to the level of Deputy Secretary and that too, with prospective effect.

Nevertheless, respondents have admitted that in respect of two officers namely Sri Mohd. Shafiquzzaman, IAS & Dr. S. Challappa, IAS, when they approached the Tribunal, respondents were directed to pay them deputation allowance. The same was challenged before the Honøble High Court of Andhra Pradesh and based on the interim orders of the Honøble High Court, the State Government has taken a decision to pay deputation allowance to the officers cited. Respondents state that the orders of the Honøble High Court are in *personam*. However, the issue which is of relevance is that the

respondents have granted deputation allowance to the two officers cited based on the representations made as per directions of the Honøble High Court. The decision was that of the respondent to grant the allowance in question. When respondents have taken a decision to grant deputation allowance to similarly placed officers, it is our view that the respondents have to examine the case of the applicant too, for meeting the ends of Justice.



In view of the above, we direct the applicant to make a comprehensive representation to the respondents, stating the relevant rules and law for grant of deputation allowance within a period of three weeks from the date of receipt of this order. On receipt of the said representation, respondents shall dispose of the same as per the relevant rules and in accordance with law, within a period of 16 weeks from the date of receipt of the representation from the applicant.

With the above direction, the O.A. is disposed of with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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