

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 14/90  
T.A. No.

199

DATE OF DECISION 31.08.1990

<u>Dr. Chandra Shekher Sahukar</u>	Petitioner
<u>In person</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. through Secretary, Min. of Food Processing Industries</u>	Respondent
<u>Shri N.S. Mehta, Sr. Counsel</u>	Advocate for the Respondent(s)

### CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

### JUDGMENT

(of the Bench delivered by Hon'ble Mr. D.K. Chakravorty, Administrative Member)

The applicant, who is working as Senior Technical Assistant (Livestock) in the office of Meat & Meat Products Division of the Ministry of Food Processing Industries, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:-

- (i) for confirming him after 2 years of probation;
- (ii) for grant of non-practicing allowance with arrears with effect from 13.2.1987; and
- (iii) for payment of damages to the tune of Rs.50, 000/-

for losing opportunity to go on foreign assignment, loss of interest on non-practicing allowance etc.

2. The case was listed for hearing on 27.8.1990, when we heard the applicant in person and Shri N.S. Mehta, Sr. Counsel for the respondents. The respondents have stated in their counter-affidavit that the applicant has been confirmed with effect from 13.2.1989. The applicant has given up his claim for damages. Thus, the only surviving issue in the present application relates to the grant of non-practicing allowance to him from the due date.

3. The Ministry of Finance, Department of Expenditure in their OM dated 29th September, 1988 have decided to give to Veterinary Doctors non-practicing allowance from the date an employee draws pay in the revised ~~xxx~~ scale applicable to him in accordance with the CCS (Revised Pay) Rules, 1986. For the pay range in the revised scale of pay below Rs.3,000/- the rate of non-practicing allowance has been fixed at Rs.450/- per month and for the pay range of Rs.3,000/- and above, it has been fixed at Rs.6,00/-. The OM further states that the non-practicing allowance at the above rates would be admissible only for those Veterinary posts for which a Degree in Veterinary Science is the minimum qualification. The non-practicing allowance would be treated as pay for all service matters.

4. The applicant is a direct recruit in the post of Senior Technical Assistant. He was initially appointed in the Ministry of Agriculture vide order dated 28.1.1987 and

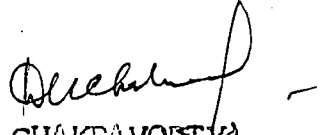
was transferred to Ministry of Food Processing Industries vide order dated 9th August, 1989. He fulfils all the conditions for payment of non-practicing allowance, as he is the holder of a Degree in Veterinary Science and he is the holder of a Veterinary post. The Ministry of Food Processing Industries has issued orders for grant of non-practicing allowance to Dr. G.S. Singh, Deputy Commissioner (SH & DF) vide order dated 24.7.1987. The applicant has been told that non-practicing allowance will be paid to him only after clearance of probation and confirmation.

5. We have gone through the records of the case carefully and have considered the rival contentions. In our opinion, the applicant is entitled to the payment of non-practicing allowance in accordance with the provisions of the OM issued by the Ministry of Finance on 29th September, 1988. The respondents have stated in their counter-affidavit that the matter is being finalised in consultation with the Min. of Agriculture and Ministry of Health. Admittedly, no final order has been passed by the respondents.

6. In the facts and circumstances of the case, we partly allow the application and direct the respondents to issue orders for payment of non-practicing allowance to the applicant from the due date in accordance with the OM issued by the Min. of Finance, Department of Expenditure on 29th September, 1988

He would also be entitled to the payment of arrears from the due date. The respondents shall comply with this direction within a period of one month from the date of communication of this order.

There will be no order as to costs.

  
(D.K. CHAKRAVORTY)  
MEMBER (A)

31-8-1990

  
(P.K. KARTHA)  
VICE CHAIRMAN (J)