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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

D.A.No.1673/90

Date of Decision:17.09.1991

Shri A.N. Jhang

Applicant.

Shri B.N. Sharma

Counsel for the applicant.

Union of India & Ors.

Vs.

Respondents.

Shri P.H. Ramchandani

Counsel for the respondents.

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The Hon'ble Mr. P.K. Kartha, Vice Chairman (J).

The Hon'ble Mr. B.N. Dhoundiyal, Member (A).

1. Whether reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*

JUDGEMENT

(of the Bench delivered by
Hon'ble Member Shri B.N. Dhoundiyal)

This OA has been filed by Shri A.N. Jhang, retired Accounts Officer, against the impugned order dated 24.2.89 whereby the respondents rejected his request for payment of deputation duty allowance for the period from 24.5.77 to 21.10.90 while he was working as Pay and Accounts Officer in Delhi Administration.

2. The applicant, a Section Officer in the A.G's Office at New Delhi was absorbed in the Department of Expenditure, Ministry of Finance after departmentalisation of union accounts on 30.4.77. Thereafter, he was sent on deputation without deputation allowance to Delhi Administration where he served in the following capacities:

From 1.4.77 to 23.5.77 -Junior Accounts Officer.
From 24.5.77 to 27.10.88 -Accounts Officer.

3. The applicant bases his claim on the circular No.F1(II)E-II(8)/75 dated 7.11.75 under which deputation allowance is to be paid to all the employees who are transferred on a temporary basis to other departments

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as also on the Award given by the Board of Arbitrators under the Chairmanship of Justice M.L. Jain on 18.12.86, which clearly states that the deputation allowance shall be given to such of the employees of C.G.A. organisation as were deployed in Delhi Administration.

4. The respondents have contended that in terms of the O.M. issued by the Ministry of Finance on 7.11.75, deputation allowance is given only to those appointments which are made by transfer on temporary basis to other departments and State Governments which are outside the normal field of deployment and are in the public interest. Whether the transfer of an official is outside the normal field of deployment is to be decided by the authority which controls the service and post from which the employee is transferred. At the relevant time, the post which the applicant was holding in Delhi Administration was borne on the strength of Ministry of Finance and the work assigned to him was normal payment and accounting work which could not be considered as outside the normal field of deployment.

5. As regards the Award given by the Board of Arbitrators on 18.12.86, it has been argued that the principles of admissibility of deputation allowance have not been discussed therein. Only the Association of Group 'C' and 'D' employees had gone in Arbitration and the Award was binding on the Government for these categories only. The applicant also received deputation allowance from 1.4.77 to 23.5.77 when he was working as a Group 'C' employee. Thereafter on his promotion as Accounts Officer, he became a Group 'B' officer to whom the Award was not applicable.

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6. We have gone through the records of the case and heard the arguments of the learned counsel for both parties. There are number of services under a particular cadre controlling authority in Government of India, who provide specialised services to different Ministries, the cadre of Accounts Officers controlled by the Department of Expenditure being one of them. It may not be feasible to provide for payment of deputation allowance in respect of ^{posts in} outside the cadre controlling Ministry. This is perhaps the reason why the O.M. dated 7.11.75 leaves it to the cadre controlling authority to decide the matter. In this particular case, the authority decided that the work assigned to the applicant was normal payment and accounting work and that it was not to be considered as outside the normal field of deployment. Though in case of Group 'C' and 'D' officers, the Government were bound by the Award of the Board of Arbitration, they were within their rights not to extend the same to categories who were not a party to the dispute referred to them.
7. In the facts and circumstances of the case, we hold that the applicant is not entitled to any relief and the application is hereby dismissed.
8. The parties will bear their costs.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER (A)

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