

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA-2166/91

Date of decision: 1.4.1992

Shri P.C. Misra Applicant

Versus

Delhi Admin. through Respondents
Chief Secy., Delhi

For the Applicant In person

For the Respondents Shri M.K. Sharma, Advocate

CORAM:

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

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

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

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicant, who is working as Deputy Director (Technical) in the Directorate of Social Welfare, Delhi Administration, has prayed in this application filed by him to declare that he is entitled to deputation allowance at normal rate for his posting to the ex-cadre post of Deputy Director (Tech.) and to direct the respondents to pay him accordingly. *A*

2. The applicant joined DANI Civil Service in 1974. He was posted to the ex-cadre post of Deputy Director (Technical) by order dated 4.12.1990. He is in the pay-scale of Rs.3000-4500, whereas the ex-cadre post carries the pay-scale of Rs.3000-5000. He made a representation to the Chief Secretary stating that the Director, Social Welfare has allotted the duties of technical nature pertaining to their ex-cadre post which is of higher responsibility and that he is entitled to deputation allowance. He has contended that his posting to the ex-cadre post is in public interest and in the exigencies of public service. He has relied upon the judgement of this Tribunal dated 27.9.1989 in OA-463/89 wherein it has been observed that his posting as Joint Director (Agricultural Marketing) in ex-cadre post, is transfer on deputation.

3. The contention of the respondents is that he is posted within the same Department and not outside his normal field of posting. He is working under the administrative control of the Delhi Administration. According to them, the transfer of a cadre officer within all the departments under the administrative control of the Delhi Administration, cannot be considered as transfer to another department and cannot be treated

as transfer outside the normal field of his deployment.

4. We have carefully gone through the records of the case and have considered the rival contentions. We see force in the contention of the respondents that the applicant has not been posted outside his normal field of posting. The post of Deputy Director (Technical) is in the Directorate of Social Welfare within the Delhi Administration. The applicant has also not stated that anyone else who had earlier ^{or} occupied this post, was paid any deputation allowance. The judgement of the Tribunal relied upon by him, is of no assistance to the present case.

5. In the light of the above, we see no merit in the present application and the same is dismissed. There will be no order as to costs.

B. N. Dhundiyal
(B. N. Dhundiyal)
Administrative Member

Entered
11/4/92
(P. K. Kartha)
Vice-Chairman (Judl.)