

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

15

O.A. 2376/91

This the 1<sup>st</sup> day of July, 1996.

Hon'ble Shri S.R. Adige, Member(A).

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

1. Shri R.K. Gupta,  
Sr. Auditor A/c.No.8288656  
S/o Late Shri Murari Lal Gupta,  
R/o 142 Beru Kua,  
Meerut City.

2. Shri Jai Gopal Nanda  
S/o Late Shri Vikramajeet Nanda  
Sr. Auditor A/c.No.828633,  
R/o 105/3, Street No.3,  
Thapar Nagar,  
Meerut City.

3. Shri Y.M. Siddiki  
S/o Late Shri Mohd. Siddiki,  
Sr. Auditor A/c.No.8288756  
R/o Mohalla Raji pura,  
Bijnore U.P. at present in the  
office of Jt. C.D.A.(F),  
Meerut. Cantt.

.... Applicants

(By Advocate Sh. R.P. Gautam)

Versus

1. Union of India through  
Secretary, Ministry of Finance,  
Expenditure, New Delhi.

2. The Controller General of  
Defence Accounts, West Block-5,  
R.K. Puram, New Delhi.

3. The Joint Controller of Defence  
Accounts (F), Meerut Cantt.

.... Respondents.

(By Advocate Shri M.M. Sudan)

ORDER

Hon'ble Shri S.R. Adige, Member(A).

1. Heard.

2. The applicants are seeking pay fixation

w.e.f. 1.1.86 after taking into account the special pay of Rs.35/- p.m. which they claim, they were entitled to on that date, together with arrears and consequential benefits for pension purposes. Alternatively, a prayer has been made to grant them the benefit of Rs.40/-p.m. drawn by them as special pay since 1981 by applicant No.2 and since 1983 by applicant No.1 and 3 till 1986 and include this special pay of Rs.40/- p.m. in fixation of revised pay scales w.e.f. 1.1.86 with arrears and consequential benefits for pension purposes.

3. In paragraph 4(iii) of respondents reply they have stated, and this is not denied by applicants in their rejoinder. In fact the alternative relief prayed for above confirms it - that the applicants were already in receipt of special pay of Rs.40/- p.m. by virtue of their being posted as supervisor/cashier as explained under Note to Part-II Officer order No.103 dated 29.5.84. As no Government servant can draw special pay of more than one post at any one point of time, the question of allowing pay fixation w.e.f. 1.1.86 after taking into account the special pay of Rs.35/- p.m. which the applicants

✓


(17)


claim they were entitled to, does not arise at all and this part of the relief prayed for is dismissed.

4. In so far as the alternative prayer is concerned, the respondents state<sup>1</sup> in their reply, and this is also not denied by applicants in rejoinder, that the special pay of Rs.40/- was cancelled w.e.f. 1.1.86 and in its place a fixed amount of Rs.80/- p.m. on supervising duty allowance was granted to the applicants. In that view, the question of again including this special pay of Rs.40/- p.m. for pay fixation w.e.f. 1.1.86 with arrears and consequential benefits thereof also does not arise, and the alternative relief also cannot in law be granted.

5. In the facts and circumstances of the case AIR 1989 SC 1308 relied upon by applicants' counsel does not advance their case.

6. This OA therefore fails and is dismissed. No costs.

  
(Smt. Lakshmi Swaminathan)  
Member(J)

  
(S.R. Adige)  
Member(A)