

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.899/91

Dated this the 11th Day of September, 1995.

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

Shri Chandra Pal Singh
S/o Shri Giri Raj Singh
Senior Auditor,
Office of the Joint Controller
of Defence (Funds), Meerut Cantt.

...Applicants

By Advocate: Shri Lokender Kumar.

versus

Union of India through

1. Secretary,
Ministry of Defence (Finance),
Government of India, New Delhi.

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

3. Joint Controller of Defence Accounts(Funds),
Meerut Cantt. ...Respondents

By Advocate: B. Lall.

O R D E R (Oral)
(By Shri S.R. Adige)

Both counsel have been heard.

2. In this OA, the applicant had sought pay fixation in the scale of Rs.1400-2600 w.e.f. 1.1.1986 duly taking into account the special pay of Rs.35/- p.m. drawn by him in the prerevised scale together with arrears.

3. In his rejoinder to the respondents reply, he admits that they have allowed him to count the special pay of rs.35/- p.m. as part of his existing emoluments for the purposes of pay fixation, but states that no benefits which arise on Rs.35/- as special pay has been allowed to be counted. In other

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words, he is claiming that under Rule 7(1)(A)(1) CCS (Revised Pay) Rules, 1986, the special pay should also be included ^{while} ~~which~~ computing the 'add on' element of 20% of basic pay to the 'existing emoluments' of the applicant. Reliance in this connection is ^{also sought to be} placed on 7(1)(B)(b) of those Rules.

4. It is clear from a plain reading of Rule 7(A)(1) that the 'add on' element is confined to 20% of basic pay alone in which special pay is not included. No infirmity can be detected in the action taken by the respondents and it is, therefore, not possible to grant the relief now prayed for.

5. The OA fails and is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

/kam/

S.R. Adige

(S.R. Adige)
Member(A)