

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.84 of 1991

DATE OF DECISION:21.04.1992.

R. KRISHNA RAO

...APPLICANT

VERSUS

THE SECRETARY TO THE
GOVERNMENT OF INDIA & OTHERS

...RESPONDENTS

CORAM:-

THE HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT SHRI J.P. VERGHESE, COUNSEL.

FOR THE RESPONDENTS SHRI K.C. MITTAL, COUNSEL.

JUDGEMENT (ORAL) JUDGEMENT (ORAL)
(DELIVERED BY HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN(J))

The applicant who has worked as an Officer on Special Duty-cum-Director in the Food Research and Standardisation Laboratory (FRSL for short) at Ghaziabad has retired from Government Service on attaining the age of superannuation on 30.06.1989. This Application has been filed by the applicant after his retirement. He has prayed that the respondents be directed to give him additional remuneration for holding the charge of the post of Director, FRSL, Ghaziabad from 1.2.1988 to 30.06.1989 and that the said additional remuneration be counted for his retirement benefits such as pension and gratuity, after revising his pay on the said basis.

2. We have heard the learned counsel for both the parties and have gone through the records of the case. The respondents have relied upon their letter dated 12.2.1988, whereby the applicant was asked to perform

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the duties of Director, FRSL. In the said letter a clause had been added to the effect that he would perform the above duties "in addition to his own duties without any extra remuneration."

3. The learned counsel for the applicant has relied upon the judgement dated 18.5.1987 of the Calcutta Bench of this Tribunal in **Dr. Kiran Chandra Guha vs. Union of India & Others**. The case of **Dr. Guha** related to the Central Food Laboratory at Calcutta. He had also performed such additional work of Director in addition to his own from 31.10.1982 to 31.12.1986. The Tribunal concluded that the applicant ~~is~~ entitled to the benefit of additional remuneration envisaged in F.R. 49. Accordingly, the Tribunal allowed the Application and held that the applicant was entitled to get additional remuneration for his holding the charge of the post of Director, Central Food Laboratory, Calcutta from 1.11.1982 to 31.12.1986. It was further held that this additional remuneration shall count for his retirement benefits, including pension.

4. After carefully going through the judgement of the Calcutta Bench (supra), we are in respectful agreement with the conclusion reached therein. Accordingly, the present Application is disposed of with the direction to the respondents to give the applicant additional remuneration for holding the charge of the post of Director, FRSL, Ghaziabad from 1.2.1988 to 30.6.1989 in accordance with F.R. 49 (iii). His pension, gratuity and other retirement benefits shall be regulated in accordance with the Rules, duly taking into account the additional remuneration ^{to be} allowed to him under F.R. 49 (iii).

5. The respondents shall comply with the above directions as expeditiously possible and preferably within 4 months from the date of receipt of this order.

6. There will be no order as to costs.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

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

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April 21, 1992.