

Central Administrative Tribunal, Principal Bench

O.A.No.1467/92

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 18th day of September, 1997

(8)

Shri Y.R.Agrawal
aged about 56 years
s/o Late Shri Hira Lal Agrawal
r/o 95-A, Narayan Nagar
Laxmi Nagar
Extension
Delhi - 110 092. Applicant

(By Applicant in person)

Vs.

1. Union of India
service through
Comptroller & Auditor General of India
10, Bahadurshah Zafar Marg
New Delhi - 110 002.
2. Comptroller and Auditor General of India
10, Bahadurshah Zafar Marg
New Delhi.
3. The Accountant General Audit-I
Uttar Pradesh
Allahabad
Uttar Pradesh. Respondents

(By Shri K.R.Sachdeva, Advocate)

O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The applicant was appointed to the junior scale on 21.12.1989 and was posted as Assistant Accountant General at Allahabad. He was promoted and given ad-hoc charge as Deputy Accountant General (Works) II (in short DAG(Works)II) on 1.2.1990. The applicant claims that he had been given substantial part of the work of the DAG (IC), Allahabad. The respondents had sanctioned a special pay of Rs.200/- per month for DAG (IC). The applicant's grievance is that though he had done most of the work of DAG (IC) in addition to his own work of DAG (Works) II, the special pay was not given to him. He made number of representations but on getting no relief, he filed OA No.567/91 before the Allahabad Bench of this Tribunal. The said

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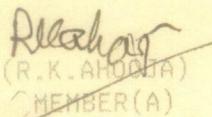
OA was disposed of by an order dated 27.6.1991 (Annexure A-VI). By this order Respondents No.1 and 2 were directed to dispose of the representations of the applicant dated 6.11.1990 and 20.12.1990 within a period of three months. The applicant submits that he was informed by letter dated 12.6.1991 that after due consideration of his case it had not been agreed to accede to his request "as the charge held by him does not merit special pay". It is being aggrieved by this order that he has come before this Tribunal in the present OA. The respondents have filed the counter. They deny the claim of the applicant and submit that the special pay has been only given to the post attached to the DAG (IC). The applicant was working in the junior grade and was given the charge of DAG (Works) II for which he was paid charge allowance at the rate of Rs.300/- per month. They also say that the petitioner was supervising the work of 23 Audit Officers of IC-I, III and V sections while DAG (IC) was supervising the work of 44 Audit Officers. They submit that there was no question of payment of special pay to the applicant when a DAG in the senior time scale was holding the post of DAG (IC) and when that post had been identified for carrying a special pay of Rs.200/-.

2. We have heard the applicant in person and Shri K.R.Sachdeva, learned counsel for the respondents. The applicant submits that the amount of work allotted to him was in no way less than that allotted to DAG (IC). In fact, according to his submission, the major part of the work of DAG (IC) had been given to him. For that reason the special pay attached to the post of DAG (IC) should also be given to him since officers with lesser work ~~were~~ being given the special pay. He further submits that his claim is also justified on the basis of 'equal pay for equal work' since the quantum of work given to him was as much, if not more, ~~as~~ than that allotted to DAG (IC).

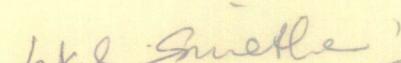
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3. We have carefully considered the above mentioned contentions of the applicant. Even when the matter had come before the Allahabad Bench of this Tribunal in OA No.567/91 the Bench had observed in their order that they were of the opinion that "in the absence of rules, the matter would not be justiciable in the Tribunal". We have also not been shown any Rule by which special pay can be claimed on the basis of quantum of work. It is not the quantum of work but the assessment of arduous nature of the work which determines the decision of the authorities to grant a special pay. This is not an aspect in which the Tribunal can interfere. The applicant has sought to show ~~by~~ details of the sections which were placed under his charge that he had the same quantum of work as DAG (IC). This was something for the ~~re~~spondents to judge and the mere ~~citation~~ of the details of the sections placed in the charge of two officers ~~would~~ not enable us to determine the relative work ~~load~~ allotted to each of them or whether they were performing ~~the~~ identical work. The respondents were already directed to consider the representations by the Allahabad Bench of this Tribunal. They have done so and have replied to the applicant that the charge held by him does not merit special pay. It is an admitted fact also that no special pay had been attached to the DAG (Works) II to which post the applicant had been appointed.

4. For the reasons mentioned above, we do not find any ground for interference in this matter. Accordingly, the OA is dismissed. No costs.


(R.K. AHUJA)
MEMBER(A)

/rao/



(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)