

CAT/II

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. O.A. 58/92 and
T.A. No. 2374/91

199

(22)

DATE OF DECISION

7.11.1997

M.K. Sharma & Ors.

Petitioner

By S/Shri E.X. Joseph (O.A. 58/92).
B.B. Raval (O.A. 2374/91)

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

S/Shri V.S.R. Krishna (O.A. 58/92)
Mrs. P.K. Gupta (O.A. 2374/91)

Advocate for the Respondent

CORAM

The Hon'ble Mrs. Lekshmi Swaminathan, Member(J).

The Hon'ble Mr. S.P. Biswas, Member(A).

1. To be referred to the Reporter or not? *Yes*
2. Whether it needs to be circulated to other Benches of the Tribunal? *No*

Lakshmi Swaminathan
M(J)

(Smt. Lakshmi Swaminathan)
Member(J)

Central Administrative Tribunal
Principal Bench

O.A. 58/92

&

O.A. 2374/91

23

New Delhi this the 7th day of November, 1997

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

Hon'ble Shri S.P. Biswas, Member(A).

O.A. 58/92.

1. Shri M.K. Sharma
S/o Shri Mukat Bahadur Sharma
Telephone Operator
O/o Asstt. Engineer(Encl.)
Advanced Level Telecom Training
Centre, Ghaziabad
R/o 1323 T-Block
Vijay Nagar Ghaziabad
2. Smt. Shashi Prabha
w/o Shri Ravi Kumar
Sr. P.A. to General
Manager(EXM)
Advanced Level Telecom Training
Centre, Ghaziabad
R/o III/45, ALTTC
Ghaziabad
3. Smt. Asha Khullar
w/o Shri B. Khullar
Sr. P.A. to G.M.(SW)
O/o Chief General Manager
Advanced Level Telecom Training
Centre, Ghaziabad
R/o III/59, ALTTC, Ghaziabad.
4. Shri Rajkumar Nagpal
S/o Shri Sumer Chand Nagpal
P.A.(III),
O/o Chief General Manager
Advanced Level Telecom Training
Centre, Ghaziabad
R/o 2/43, ALTTC, Ghaziabad.

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5. Shri Laxmi Narayan Srivastava
S/o Shri Raj Bahadur Srivastava
Personal Assistant
O/o Advanced Level Telecom Training
Centre, Ghaziabad
R/o II/58, ALTTC, Saryu Complex
Ghaziabad.
6. Shri G.C. Upadhyay
S/o Shri Dharmenand Upadhyay
Personal Assistant
O/o Chief General Manager
Advanced Level Telecom Training
Centre, Ghaziabad
R/o II/54, Saryu Complex
ALTTC, Ghaziabad.
7. Shri Sunil Kumar Saxena
S/o Shri P.V. Saxena
Personal Assistant(Gr.II)
O/o Chief General Manager
Advanced Level Telecom Training
Centre, Ghaziabad
R/o II/71-Saryu Complex,
ALTTC, Ghaziabad.
8. Shri Ravi Shankar
S/o Shri Ganesh Lal Srivastava
Personal Assistant(Gr-II)
O/o Chief General Manager
Advanced Level Telecom Training
Centre, Ghaziabad
R/o II/62, ALTTC Centre
Ghaziabad.
9. Shri Janardan
S/o Shri Trilochan
Personal Assistant to
Director(CD-SW)
Advanced Level Telecom Training
Centre, Ghaziabad
R/o II/76, ALTTC Campus,
Ghaziabad.
10. Shri R.A. Maurya
S/o Shri G.D. Maurya
Personal Assistant(Gr.II)
O/o Chief General Manager,
Advanced Level Telecom Training
Centre, Ghaziabad
R/o II/69, ALTTC, Ghaziabad.

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11. Shri R jesh Kumar Srivastava
S/o Shri K.P. Srivastava
Personal Assistant(Gr.II)
O/o Chief General Manager
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o II/66 ALTTC Centre Colony
Ghaziabad.
12. Shri Mohd. Ibrahim
S/o Shri Syed Isharat Husain Naqvi
Personal Assistant to Director(T&TF)
O/o Chief General Manager
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o II/74, Saryu Block
ALTTC Campus Ghaziabad.
13. Shri Ashok Kumar Arora
S/o Shri K.L. Arora
Personal Assistant(Gr.II)
O/o Chief General Manager
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o 80/II Saryu Block
ALTTC Campus, Ghaziabad.
14. Shri Sanjeev Bhatnagar
S/o Shri O.P. Bhatnagar
Personal Assistant(Gr.II)
O/o Chief General Manager
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o III/81 Sutlej Block
ALTTC, Ghaziabad.
15. Shri Murli Manohar Mathur
S/o Late Shri S.N.L. Mathur
Personal Assistant to
Director(TE)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o II/75 Saryu Block
ALTTC, Ghaziabad.
16. Shri Arun Kumar Srivastava
S/o Late Shri Devi Prasad
Personal Assistant to
Director(JE)
O/o Chief General Manager
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o II/63, Saryu Block
ALTTC, Ghaziabad.

17. Shri A.K. Nigam
S/o Shri K.C. Nigam
Personal Assistant to
Director(PT)
O/o Advanced Level Telecom.
Training Centre, Ghaziabad
R/o II/83 Saryu Block
ALTTC, Ghaziabad.
18. Shri Ved Prakash
S/o Shri Lakhmi Chand
Wireman, Raman Hostel
Advanced Level Telecom. Training
Centre, Ghaziabad
Vill & Post Rawali Kala
Ghaziabad District.
Uttar Pradesh.
19. Shri Ram Niwas
S/o Shri Ramswroop
Wireman
O/o Asstt. Engineer(Elect.)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o II/51 Saryu Block
ALTTC, Ghaziabad.
20. Shri Pramod Kumar
S/o Shri Dalip Singh
Wireman
O/o Asstt. Engineer(Elect.)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o I/6 ALTTC, Ghaziabad.
21. Shri Ravishankar Sharma
S/o Shri Shyam Sunder Sharma
Wireman
O/o Asstt. Engineer(Elect.)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o I/10, ALTTC, Ghaziabad.
22. Shri Virendra Kumar Prasad
S/o Shri Ramjiann
Wireman
O/o Asstt. Engineer
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o I/7, ALTTC, Ghaziabad.

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23. Shri Moti Lal
S/o Late Shri Chandra Bali
Wireman
O/o Asstt. Engineer(Elect.)
Advanced Level Telecom. Training
Centre, Ghaziabad
I/43, ALTTC, Ghaziabad.
24. Shri Tirlok Chand
S/o Late Shri Tirkha Rama
Wireman
O/o Asstt. Engineer(ST)
Advanced Level Telecom Training
Centre, Ghaziabad
R/o II/49, ALTTC, Ghaziabad.
25. Shri Rajendra Prasad
S/o Shri Balliharlal
Wireman
O/o Asstt. Engineer(Elect.)
Advanced Level Telecom Training
Centre, Ghaziabad
R/o J/201 Sector 23
Raj Nagar, Ghaziabad.
26. Shri Charan Nath
S/o Shri Hari Kis han
Wireman
O/o Asstt. Engineer(Elect.)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o I/19, ALTTC Centre, Ghaziabad.
27. Shri Balbir Singh
S/o Shri Divan Singh
Wireman
O/o Asstt. Engineer(Elect)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o II/59, ALTTC Centre,
Ghaziabad.
28. Shri Hari Lal
S/o Late Shri Tej Ram
Draughtsman
O/o Chief General Manager
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o III/21, ALTTC, Ghaziabad.

29. Shri Balbir Singh
S/o Shri Divan Singh
Lineman
O/o Asstt. Engineer(TL)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o Vill. Kherali Haphijpur
Bulandsahr Distt. U.P.
30. Shri Mahipal
S/o Shri Ram Nath
Wireman
O/o Asstt. Engineer(JC)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o I/9, ALTTC, Ghaziabad.
31. Shri D.P. Srivastava
S/o Late Shri G.C. Srivastava
Telephone Operator
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o II/5, ALTTC, Ghaziabad.
32. Smt. S.B. Saxena
w/o Shri M.B. Saxena
Telephone Operator(SG)
O/o Asstt. Engineer(Works)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o KD 25/21, Kavi Nagar
Ghaziabad.
33. Smt. Usha Bhatnagar
w/o Shri Rakesh Bhatnagar
Telephone Operator(SG)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/O 360 A/1 Ram Nagar
Kisan Mandi, Ghaziabad.
34. Smt. Deepika K. Malhotra
w/o Shri Anil K. Malhotra
Telephone Operator
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o 369-G, Pocket-II
Mayur Vihar Phase-I
Delhi.

35. Smt. Savita Arora
w/c Shri K.L. Arora
Telephone Operator(TM Section)
Advanced Level Telecom Training
Centre, Ghaziabad
R/o 11/130, New Raj Nagar
Ghaziabad.

36. Smt. Seema Sharma
D/o Shri V.P. Sharma
Telephone Operator
O/o Chief General Manager
Advanced Level Telecom. Training
Centre, Ghaziabad

37. Smt. Manmohan Anand
w/o Shri B.K. Anand
J.C. Bose Hostel
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o III/30, ALTTC
Ghaziabad.

38. Smt. Satish Bala
w/o Shri Trilok Singh
L.T.O.
Computer Centre,
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o H-8, Sector - 23
Ghaziabad

39. Shri R.S. Bhati
S/o Late Shri Bhikki Singh
Telephone Operator
O/o Chief General Manager
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o II/32, ALTTC,
Ghaziabad.

40. Shri Shri Krishan
S/o Shri Tek Ram
Driver
Advanced Level Telecom Training
Centre, Ghaziabad,
II/19, ALTTC
Quarters, Ghaziabad.

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41. Shri Mangat Ram
S/o Shri Ganga Ram
Driver(AE-PR)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o II/
ALTTC, Ghaziabad.
42. Shri Ram Lal
S/o Shri Kirpa Ram
Driver(AE-PR)
Advanced Level Telecom. Training
Centre, Ghaziabad.
R/o
ALTTC, Ghaziabad.
43. Shri Raghbir Singh
S/o Shri Subh Ram
Lorry Driver(AE-PR)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o Nangli Sukrawati
Najafgarh Post
New Delhi- 43.
44. Shri Pyare Lal Yadav
S/o Shri Babu Lal Yadav
Driver
O/o Asstt. Engineer(PR)
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o II/1 ALTTC Quarters
Ghaziabad.
45. Shri Jai Singh
S/o Shri Balram
Driver
O/o Asstt. Engineer(PR)
Advanced Level Telecom. Training
Centre, Ghaziabad
II/ SALTC Quarters
Ghaziabad.

~~Applicants~~

~~versus~~

1. The Union of India through the
Secretary to the Government
Department of Telecommunications
Sanchay Bhawan, Ashok Road,
New Delhi - 110 001

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46. Smt. Saroj Rawat
W/o Shri S.S. Rawat
aged about 38
Sr. Hindi Translator
O/o The Chief General Manager
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o D-79, Mandakini Apartments
pitampur, New Delhi - 34.

47. Shri Ramesh Lal,
S/o Shri Malaran
aged about 45
Artists
O/o The Chief General Manager
Advanced Level Telecom. Training
Centre
Ghaziabad
R/o III/31, ALTTC Campus,
Raj Nagar,
Ghaziabad.

48. Shri Chand
S/o Shri Baldev Singh
aged about 48
Senior Hindi Translator
O/o Chief General Manager
Advanced Level Telecom. Training
Centre, Ghaziabad
R/o 2/3, Jagjeet Nagar,
Dr. Ambedkar Marg,
Delhi - 93.

.... Applicants

By Advocate Shri E.X. Joseph, Sr. Counsel.

-versus-

1. The Union of India through
the Secretary to the Government
Department of Telecom.
Sanchar Bhawan, Ashoka Road,
New Delhi - 110 001.
2. The Advisor (HRD),
Telecom Commission
Sanchar Bhawan
Ashok Road, New Delhi.
3. The Chief General Manager
Advanced Level Telecom.
Training Centre,
GOI Enclave, Raj Nagar
Ghaziabad, U.P. 201 002.
4. The Secretary to the Govt.
Dept. of Personnel & Training,
North Block, Central Sectt.
New Delhi - 110 011.

.... Respondents

By Advocate Shri V.S.R. Krishna.

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O.A. 2374/91

1. ATTER SINGH
S/O Shri Mangat Ram
Aged about 50 years,
R/O: Qr. No.33/III,
A.L.T.T.C.
Ghaziabad.

And employed as :-

Senior Section Supervisor,
in Advanced Level Telecom
Training Centre,
Department of Telecommunication,
Ghaziabad.

2. H.L. JAGGA
S/O Shri Bhagwan Dass,
Aged about 56 years,
R/O: Qr. No.23/III,
A.L.T.T.C.
Ghaziabad.

And employed as :-

Senior Section Supervisor,
in Advanced Level Telecom
Training Centre,
Department of Telecommunication,
Ghaziabad.

3. KASHAV DUTT
S/O Shri Bachi Ram
Aged about: 57 years,
R/O: Qr. No.1/III,
A.L.T.T.C.
Ghaziabad.

And employed as :-

Senior Section Supervisor,
in Advanced Level Telecom
Training Centre,
Department of Telecommunication,
Ghaziabad.

4. S.C. KAULSHI
S/O Shri S.R. Kaulshi,
aged about 47 years,
R/O: Qr.No.
A.L.T.T.C.
Ghaziab

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And employed as :

Senior Section Supervisor,
in Advanced Level Telecom
Training Centre,
Department of Telecommunication,
Ghaziabad.

5. TEJ RAM
S/O: Shri Khacheru Singh,
Aged about : 44 years,

R/O:
District Meerut (U.P.)

And employed as :

Senior Section Supervisor,
in Advanced Level Telecom
Training Centre,
Department of Telecommunication,
Ghaziabad.

6. RAN BIR SINGH
S/O Shri Ram Dass,
Aged about 46 years,

R/O: Village: Murad Nagar,
Ghaziabad.

And employed as :-

Senior Section Supervisor,
in Advanced Level Telecom
Training Centre,
Department of Telecommunication,
Ghaziabad.

7. BADRI RAM
S/O Shri Minthu Ram
Aged about 38 years,

R/O: Qr.No.2/41,
A.L.T.T.C.
Ghazbaid.

And employed as :

Senior Section Supervisor,
in Advanced Level Telecom
Training Centre,
Ghaziabad.

8. VINOOD SHARMA
S/O Shri Z.S. Sharma,
Aged about 34 years,

R/O: Qr.No.2/28,
A.L.T.T.C.
Ghaziabad.

And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad

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9. NAND LAL RAM
S/O Shri Vidy Prasad,
Aged about 38 years,

R/O: Qr.No.7/2,
A.L.T.T.C.
Ghaziabad.

And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

10. PREM CHAND
S/O Shri (Late) Amichand,
Aged about 36 years,
R/O: Qr.No.2/4,
A.L.T.T.C.
Ghaziabad.

And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

11. A.S. SAINI
S/O Shri S.R. Saini,
Aged about 36 years,

R/O: Qr.No.2,
A.L.T.T.C.
Ghaziabad.

And employed as:

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

12. S.K. TYAGI,
S/O Shri G.C. Tyagi,
Aged about 34 years,
R/O: Qr.No.15/2, Beas Block,
A.L.T.T.C.
Ghaziabad.

And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

13. H.N. RAM
S/O Shri Mita Ram,
Aged about 36 years,
R/O: Qr.No.3/2, Beas Block,
A.L.T.T.C.
Ghazbaid.

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And employed as:-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

14. SAMAI SINGH
S/O Shri R.K. Singh,
Aged about 37 years,
R/O: Qr.No.2/11, Beas Block,
A.L.T.T.C.
Ghaziabad.

And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

15. BHOOP SINGH
S/O Shri Karori Singh,
Aged about: 31 years,
R/O: Qr.No.182/1,
A.L.T.T.C.
Ghaziabad.

And employed as :-

Telecom Office Assistant,
in Advanced Level Telecom
Training Centre,
Ghaziabad.

16. JANAK SINGH
S/O Late Shri Niranjan Singh,
A.L.T.T.C. Campus,
Ghaziabad. (Aged about: 36 years)

And employed as :-

Telecom Office Assistant,
in Advanced Level Telecom
Training Centre,
Ghaziabad.

17. KAILASH RAM
S/O Shri Shiv Natt Ram,
aged about: 32 years,
R/O: 61/2, A.L.T.T.C.
Ghaziabad.

And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

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18. BHUOREY SINGH
S/O Shri Bhikari Lal,
Aged about: 38 years,
R/O: 2/56, A.L.T.T.C.
Ghaziabad.
And employed as :-
Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

19. Mrs. Alka Sharma,
W/O Shri Raj Naryan,
Aged about 31 years,
R/O: Qr.No.33/2,
A.L.T.T.C.
Ghaziabad.
And employed as:
Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

20. H.D. MEENA
S/O Shri Jai Lal,
Aged about: 29 years,
R/O: Qr.No.27/2,
A.L.T.T.C.
Ghaziabad.
And employed as :-
Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

21. REVASH CHANDRA
S/O Shri S. Singh,
Aged about: 35 years,
R/O: 65/2, A.L.T.T.C.
Ghaziabad.
And employed as :-
Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

22. MRS. POONAM SEHRA
W/O: Shri Rajesh Sehra,
Aged about: 32 years,
R/O: Qr.No.F/D-7, New Kavi Nagar,
Ghaziabad.

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And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

23. B.B. SINGH
S/O Shri Satya Narayana Singh,
Aged about: 42 years,
R/O: Qr.No. 67/2,
A.L.T.T.C. Ghaziabad.

And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

24. G.C.S. YADAV
S/O Shri R.Y. Yadav,
Aged about: 35 years,
R/O: Qr.No. 2/68,
A.L.T.T.C. Ghaziabad.

And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

25. R.S. YADAV
S/O Shri Shiv Sankar Yadav,
Aged about: 31 years,
R/O: Qr.No. 79/2,
A.L.T.T.C. Ghaziabad.

And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

26. S.B. SINGH
S/O Shri Jagdish Singh,
Aged about: 30 years,
R/O: Qr.No. 2/81,
A.L.T.T.C. Ghaziabad.

And employed as :-

Telecom Office Assistant,
in Advanced Level Telecom
Training Centre,
Ghaziabad.

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27. SIVAM LAL
S/O Shri Santoo,
Aged about: 37 years,
R/O: Qr.No.60/2,
A.L.T.T.C. Ghaziabad.
And employed as :-
Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

28. MUNSHI LAL
S/O Shri Nathi Lal,
Aged about: 36 years,
R/O: Qr.No.2/57,
A.L.T.T.C. Ghaziabad.
And employed as :-
Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

29. MRS. REETA KHUSHU
W/O Shri A.K. Khushu,
aged about: 34 years,
R/O: Qr.No.67/III,
A.L.T.T.C. Ghaziabad.
And employed as :-
Telecom Office Assistant,
in Advanced Level Telecom
Training Centre,
Ghaziabad.

30. MRS. NAVEEN NAYAR
S/O Shri M. Nayar,
Aged about: 28 years,
R/O: Qr.No.77/2,
A.L.T.T.C. Ghaziabad.
And employed as :-
Telecom Office Assistant,
in Advanced Level Telecom
Training Centre,
Ghaziabad.

31. MRS. BIMLASH
D/O: Shri Seher Singh,
Aged about: Years,
R/O: Qr.No.50/2,
A.L.T.T.C. Ghaziabad.

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And employed as :-

Telecom Office Assistant
in Advanced Level Telecom
Training Centre,
Ghaziabad.

... APPLICANTS

By Advocate Shri B.B. Raval.

VERSUS.

1. UNION OF INDIA
Through: The Secretary,
Department of Telecommunication,
Government of India,
Sanchar Bhavan,
New Delhi.

2. The Chief General Manager,
Advanced Level Telecom
Training Centre,
Department of Telecommunication,
Government of India,
GHAZIABAD.

... RESPONDENTS

By Advocate Mrs. P.K. Gupta.

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O R D E R

(40)

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

The applicants are aggrieved that they have been subjected to hostile discrimination by the respondents by denying them 30% now reduced to 15% incentive allowance as granted to other officials of the Advanced Level Telecom, Training Centre (ALTTC) which is a department under the respondents. The applicants in O.A. 58/92 submit that they constitute the Staff holding the posts connected with the Course Development, Media Support, Audio Visual Printing Training Material, Laboratories, Exchange and systems and maintenance of Hostels which constitute indispensable ingredient of the entire training imparted by the ALTTC. In the other O.A. 2374/91, the applicants are Senior Section Supervisors/Telecom Office Assistants who are looking after the administration and economic work of the ALTTC and they are also aggrieved that they have been denied the incentive allowance. These applicants also state that they have been transferred in different years and posted at ALTTC but they are neither getting any faculty/teaching allowance nor any incentive for their work nor they are treated as deputationists in that organisation getting deputation allowance/special pay.

2. As the issues involved in these two Original Applications are similar, they have been taken up together for disposal by a common order. Both the parties rely on the Office Memo issued by the DOP&T dated 7.2.1986. The applicants are claiming that they are entitled to 30% incentive allowance as provided therein which is denied by the respondents. It would, therefore, be useful to see this

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O.M. in detail in the first instance. Para (i) of the O.M. states that an incentive scheme has been drawn up to cover the training institutions meant for Grade 'A' officers. Relevant part of Para (ii) provides that with regard to faculty members who join the training institutions on deputation, their emoluments may be raised by 30% of the total emoluments which they would be getting in their cadre, while posted in the field. The respondents have submitted that the provisions of this scheme were extended to other training centres meant for training officials w.e.f. 1.1.1987. In O.M. dated 21.1.1987 Respondent 1 had laid down the guidelines for grant of incentive allowance to the faculty members of the training institution, namely, ALTTC Ghaziabad and TTC, Jabalpur. According to the applicants, the list prepared by the respondents is not confined only to those who are engaged in Instructional/Teaching work but includes others who got the 30% incentive allowance. They claim that in that event there is no reason why they, who are also undoubtedly assisting in teaching work in the ALTTC should not be given the incentive allowance as given to the faculty/teaching members. In the circumstances, they have stated that the respondents are guilty of hostile discrimination against them as many members of the staff who are not faculty members and who are not doing any teaching/instructional duties are granted 30% incentive allowance. They have given a list of the names of officials who are getting this allowance who are not faculty members and not doing teaching and instructional work (A-19) but are only in administration or supporting staff and doing similar work as the applicants. They state that while persons given in the list get the allowance, the applicants are denied the same even

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though they are also in the category of supporting staff. In O.A. 58/92, Shri E.X. Joseph, learned Senior Counsel, has submitted that while, for example, most of the staff involved in maintenance of supply of electricity to the entire Campus are granted the incentive, in some other cases, persons doing the same work in the same department like maintenance of records of building and allotment of quarter, only one Shri Chunni Singh, SDE, is granted the incentive and Ms. S.B. Saxena, TS is not given the same which shows that the whole scheme is administered arbitrarily by ALTTC. Similarly, Shri B.B. Raval, learned counsel for the applicants in O.A. 2374/94 has also submitted that the applicants who are Telecom Assistants are supporting staff to the Faculty Members should not be discriminated in payment of the incentive allowance when other persons have been granted this allowance who are also not performing teaching/instructional duties. He has also submitted that the applicants have been sent from the parent department to ALTTC Ghaziabad and so they are also entitled to deputation allowance.

3. The respondents in their replies to the aforesaid applications have denied that the applicants are entitled to the incentive allowance. They have submitted that the applicants in O.A. 58/92, are Hindi Translators, Personal Assistants, Telephone Operators, Linesmen, Drivers etc. who do not belong to the cadre of trainers. They have submitted that no selection process is involved in their posting to the training Centres and their nature of work and duties are not of a specialised nature which justifies payment of 30% incentive allowance which is paid to faculty/teaching staff. They have referred to the

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guidelines issued by the DOP&T letter dated 20.6.1986 which states that obviously this facility should include all teaching/instructional staff including officials engaged in Lab-demonstrations and practicals eg. Cable jointers. However, this should not include the staff like peons, chowkidars, drivers and stenos, etc. They have also relied on the decision of the Tribunal in O.A. 227/87 (Jabalpur Bench) wherein it has been observed that 'the applicants who belong to the category of Ministerial staff by no stretch of imagination can be treated as members of faculty of the teaching staff....If the Government of India, Department of Personnel and Training has given the benefit of the incentive scheme only to the teaching staff and not extended to the ministerial staff, no constitutional discrimination is attracted'. Accordingly, the application was dismissed. Shri V.S.R. Krishna, learned counsel, has submitted that as some category 'B' officers are also engaged in imparting training, as also technicians who have demonstration work in the laboratories, they are being paid 30% incentive as per the guidelines of the DOP&T letter dated 20.6.1986 and there is no illegality in this.

4. M.A. 958/97 has been filed by the applicants in O.A. 58/92 seeking a direction to the respondents to file relevant official documents in respect of time tables of instructional duties, classes, allotment and assignment of instructional duties to various officers. In the reply filed to the M.A. the respondents have submitted that the applicants who are drivers, stenos, etc. have filed Miscellaneous Applications repeatedly without any cause of action. They have further submitted that the grant of incentive allowance which was originally 30%, now reduced to

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15%, is restricted only to those personnel who are performing instructional duties. So far as the allegation that certain officers/officials who are not performing any instructional duties are being granted training allowance is concerned, they have reiterated that this benefit cannot be extended to the applicants merely on the ground that it is erroneously being allowed to others as alleged by the applicants. Shri V.S.R. Krishna, learned counsel for the respondents, has submitted that it may be that in the list relied upon by the applicants which has been referred to in the reply to MA 958/97 certain officers/officials might have received this incentive allowance wrongly. He has explained that some of these officials have been kept in the faculties where no instructional duties are performed at present but who can also be allotted instructional duties whenever required in the courses run by other faculties. He further submits that even if some of these officials have been wrongly granted incentive allowance, that by itself cannot support the claim of the applicants to be given similar allowance even if they are not doing teaching/instructional duties or are covered under the DOP&T O.M. dated 7.2.1986.

5. We have seen the relevant judgements of the Tribunal(Principal Bench) in O.A.712/86 and 1628/90, decided on 30.11.1990 as well as O.A. 2006/92, decided on 18.1.1993. In the order of the Tribunal dated 30.11.1990, it is tated that the applicants are discharging instructional duties in ALTTC, Ghaziabad and so they are entitled to get instructional allowance w.e.f. 1.1.1987 and also entitled to draw special pay w.e.f. 1.4.1986. The

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Tribunal had examined similar issues as have been raised before us in O.A.2006/92 in which it has been stated as follows:

".....No direction as such can be given in the matter by the Bench since it would not be appropriate for the Bench to examine the nature of work being done by the Hindi Officers and the Faculty Members and other officers imparting training. The matter is left to the consideration of the respondents themselves with no legal direction as such in the matter. It is for the respondents to take into account factors such as the nature of training imparted by Hindi Officers, the examination conducted by them during the course of the instructional training, the recommendation of the C.G.M. the concurrence of I.F.A. mentioned in Annexure A-3 and all other relevant factors.

5. With the above observations, the case is disposed of with no order as to costs".

In O.A. 58/92 also some of the applicants are Senior Hindi Translators but what further action was taken by the Respondents in the light of the above observations of the Tribunal has not been placed on record.

6. From a perusal of the O.M. issued by the Department of Personnel and Training dated 7.2.1986, it is clear that the intention of the Government was that with regard to faculty members who join the training institutions on deputation, their emoluments may be raised by 30% of the total emoluments which they would be getting in their cadre while posted in the field. The guidelines issued with respect to payment of 30% incentive to faculty members have clarified this position. The applicants in these two applications are no doubt supporting staff/^{but} are not involved in teaching/instructional duties as such. However, we note that in respect of certain officials working in ALTTC, Ghaziabad the respondents have granted them 30% allowance

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which they have not been able to fully justify on the basis of the DOP&T O.M. dated 7.2.1986 and guidelines including the letter dated 20.6.1986 as they are not involved in teaching/instructional duties. In this context, we note the submissions made by Shri V.S.R. Krishna, learned counsel for the respondents that merely because some of the officials who are not doing instructional duties have been given incentive allowance wrongly does not give an enforceable right to the applicants to claim similar benefits under the Scheme of DOP&T dated 7.2.1986. We are constrained to observe that the respondents have not strictly adhered to the DOP&T Scheme for payment of incentive allowance to their officials posted at ALTTC. The Scheme was meant to apply only to Faculty Members who are involved in instructional/teaching duties and cannot, therefore, include persons like Peons, Drivers, Telephone Operators, etc. who are not discharging such functions. In this view of the matter, we do not think that there is any hostile discrimination against the applicants or that the Scheme for incentive allowance which was originally 30%, now reduced to 15%, is applicable to the applicants who admittedly are ^{only} supporting staff and not performing teaching/instructional work in ALTTC, Ghaziabad. The applications (O.As 58/92 and 2374/91), therefore, fail, as also MA 957/97.

7. From the submissions made on behalf of the respondents, it is clear that the Scheme dated 7.2.1986 read with the letter dated 20.6.1986 has not been properly implemented by Respondent 3 - ALTTC, Ghaziabad. When the Court/Tribunal comes across that an otherwise laudable order is being/implemented and its perpetuation shall result in further miscarriage of justice, then the duty is cast on them to rectify the error and put the order back on the original track for the purpose of implementation (See **S. Nagraj Vs. State of Karnataka** (1994 SCC (L&S) 320). We are facing the same situation here. As it is a matter of public interest, we consider it necessary to issue a direction to Respondents 1,2 and 4 to take appropriate

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remedial action in accordance with the Scheme at the earliest, and in any case within three months from the date of receipt of a copy of this order and to ensure that such lapses do not occur.

We have also considered the other submissions made in the applications, particularly in O.A. 2374/91 regarding deputation allowance but find no materials on record to support this and it is accordingly dismissed.

8. As we find no merit in these applications (O.As 58/92 and 2374/91) they are accordingly dismissed. No order as to costs.



(S.P. Biswas)
Member(A)



(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'