

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.1208/93

New Delhi this the 24th Day of November, 1993.

Hon'ble Sh. B.N. Dhoundiyal, Member(A)

1.	Shri M.S. Rathi	Senior Prosecutor
2.	" V.P. Sharma	A.C.P.
3.	" R.K. Shukla	A.P.P.
4.	" A.C. Singh	A.P.P.
5.	" V.P. Srivastava	A.P.P.
6.	" Mohinder Singh	A.P.P.
7.	" J.L. Sharma	Inspector
8.	" P.S. Malik	Inspector
9.	" Jai Bhagwan	Inspector
10.	" Ishwar Singh	Inspector
11.	" Bhoop Singh	Inspector
12.	" Munphool Singh	Inspector
13.	" Abhey Ram	Sub Inspector
14.	Smt. Savitri Sharma	Inspector
15.	Shri D.C. Dagar	T.G.T.
16.	H.C. Narendra Singh	11/PTS
17.	" Sunaru Ram	45/PTS
18.	" Harpal Singh	104/PTS
19.	" Karam Singh	7/PTS
20.	" Rameshwar Dass	97/PTS
21.	" Hawa Singh	83/PTS
22.	" Jaswant Singh	47/PTS
23.	" Attar Singh	49/PTS
24.	" Baljeet Singh	119/PTS
25.	" Devinder Singh	41/PTS
26.	" Satyavir Singh	36/PTS
27.	Const.Ram Avtar	170/PTS

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28.	"	Tej Pal	223/PTS
29.		Const. Ravi Dutt	140/PTS
30.	"	Surender	149/PTS
31.	"	Rajiv Kumar	185/PTS
32.	"	Jasbir Singh	197/PTS
33.	"	Ved Prakash	231/PTS
34.	"	Rohtash Singh	238/PTS
35.	"	Raj Singh	204/PTS Petitioners

(By advocate Sh. I.P. Singh)

versus

1. Union of India
through the Secretary,
Ministry of Personnel,
Public Grievances & Pensions,
C.G.O. Complex, Lodhi Road;
New Delhi-110054.
2. Delhi Administration,
through the Secretary(Finance),
5, Sham Nath Marg,
Delhi-54.
3. The Director (Training)
Union Territory Civil Services,
Govt. of N.C.T. of Delhi,
Vishwas Nagar, Near East Arjun Nagar,
Shahdara, Delhi-52.
4. The Principal,
Police Training School,
Jharoda Kalan,
Delhi.

Respondents

(By advocate Sh. Virender Mehta)

ORDER(ORAL)

Heard the learned counsel for the parties.

The short point involved in this case is that the date
from which the training allowance given to the applicant
can be reduced in terms of O.M.No.12017/2/86-Trg. dated
9.7.1992.

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The brief facts of the case are these. By their office memorandum dated 9.7.1992 the Department of Personnel & Training reduced the training allowance from 30% to 15% on basic pay in case of all government employees. All the applicants are working as faculty members in Police Training School, Jharoda Kalan, Delhi and as such training allowance was admissible to them. In the impugned O.M. dated 9.7.92 it was provided that the employees will have an option to get reverted to their parent department in case the reduced allowance was not acceptable to them. Three months time was allowed for carrying the option. It was later clarified that the reduction in the allowance would be effective after the expiry of 3 months period i.e. on 9.10.92. The case of the applicants is that these O.Ms. were communicated by the Union of India (Respondent No.1) to the Delhi Administration as late as on 14.12.1992 and the Delhi Administration communicated the same to the applicants as late as on 10.3.1993. Thus, they were denied opportunity to exercise their option and the reduction in the training allowance is being effected retrospectively in their case w.e.f. 8.10.92.

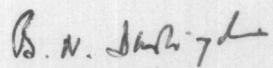
This Tribunal had earlier considered this issue in a bunch of O.As., the leading case being O.A.No.1197/92. In para 23 of their judgement dated 16.7.93, the Ernakulam Bench of this Tribunal has given the following observations:-

" However, having regard to the facts and circumstances of this case, we are satisfied that a period of one year

from the date of impugned order viz. 9.7.92 would be a reasonable period, and that much time should have been given to the applicants for taking their decision as to whether they should continue in the present post of Lecturer/Instructor with the reduced rate of 15% or to return to their parent department. In this view of the above position while rejecting the applications we direct the respondents not to effect any deduction from the salary/emoluments of the applicants or to make any recovery from them on the basis of the impugned order for the aforesaid period of one year from 9.7.92." (2)

Respectfully reiterating the views expressed above, I also hold that the period of one year from the date of the impugned order, namely, 9.7.92 would be a reasonable period. The respondents are directed not to effect any reduction from the salary/emoluments of the applicants or to make any recovery from them on the basis of the impugned order for the aforesaid period of one year from 9.7.92. Any recovery made would be refundable to the applicants.

The O.A. is disposed of at the admission stage itself with the above observations. No costs.


(B.N. Dhoundiyal)

Member(A)

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