

Central Administrative Tribunal
Principal Bench, New Delhi.

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DA-1856/93

New Delhi this the 8th Day of April, 1994.

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

Sh. Ram Sarup,
S/o Sh. Jagan Nath,
R/o Vill. Dhira Majra,
Post Office Jarat Distt.
Patiala.

Applicant

(By advocate Sh. Sant Lal)

versus

1. Union of India,
through the Secretary,
Ministry of Defence,
Army Headquarters,
New Delhi-11.
2. The Indian Embassy in
Nepal at Kathmandu,
through the Secretary,
Ministry of External Affairs,
South Block,
New Delhi.

Respondents

(By advocate Sh. M.L. Verma - none present)

ORDER(ORAL)
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

The short issue raised in this application is whether rates of daily allowance prescribed in order dated 19.8.1991 are applicable in case of locally recruited staff of Indian origin in the Embassy. The applicant claims that vide order dated 12.2.92 the pay scales were revised. His pay has been fixed at Rs.4380/- Nepali Currency and in terms of para 2(a) of the order dated 19.8.1991, he is now entitled to full rates of daily allowance. However, the Embassy of India(Nepal) has referred the matter to the head-quarter and no decision has been taken so far on his representation.

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In the counter filed on behalf of the respondents, the following averments have been made. Though the pay scales of the locally recruited were revised this did not lead to a corresponding revision of the pay scales of India Based Officials, nor did these include the merged daily allowance element of 30% which is applicable only to the locally recruited staff. The Ministry of External Affairs order dated 19.8.1991 is not applicable to the locally recruited employees in Indian Missions/Posts Abroad. According to Ministry of External Affairs order dated 10.7.52 (Annexure-E) daily allowance is to be paid to the local staff at the same rate as was admissible to the corresponding grades of India based staff. But for this purpose they were categorised as Grade-I entitling them to full daily allowance rate. Thus, Shri R.S. Sharma as a locally recruited clerk is entitled to daily allowance as admissible to his India based counterparts i.e. Grade-II/III Officer. His basic pay in Nepali currency cannot be converted into Indian rupees to determine his entitlement of daily allowance. Even if he is treated as a temporary U.D.C. in Central Government his entitlement of daily allowance remains the same because the pay scale of an U.D.C. is Res.1200-2040.

I hold that this is not a fit case for this Tribunal to interfere. I have taken note of the fact that this matter is already under reference to the Government of India by the Indian Embassy Nepal.

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and the representation of the applicant is also
pend. with the. They will no doubt take expeditious
decision in the matter.

The O.A. is disposed of with the above
observations.

No costs.

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B. N. Dhoondiyal
(B. N. DHOONDIYAL)
MEMBER (A)