

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 356 of 1996

Allahabad this the 17th day of April, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Kripa Shanker Yadav, aged about 51 years, Son of Late Shri Dakkhini Deen Yadav, Resident of 150, Fatehpur Bichhuwa, District Allahabad.

Applicant

By Advocate Shri K.P. Singh

Versus

1. The Union of India, through Director, General Engineering, E.M.E., M.G.Os Branch, Army Head Quarters, New Delhi.
2. The commandant 508 Army Base Workshop, Allahabad-5.

Respondents

By Advocate Shri Amit Sthalekar

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri K.S. Yadav has come up seeking relief to the effect that the respondents be directed to pay the officiating allowance/acting allowance to the applicant under Rule alongwith interest at the rate of 22% and also absorb the applicant for the post of Assistant Engineer on the basis of his one year performance.

2. As per applicant's case, a post of Officer-in-Charge, General Engineering Group fell vacant on

Seen

...pg.2/-

proceeding on leave the incumbent thereto Captain Hitendra Kumar, w.e.f. 17.4.1995. At that time the applicant-K.S. Yadav was working as Foreman and was directed to work as Officer-in-Charge, G.E. Group alongwith his, the then, assignment as Foreman. The applicant took over as such and worked as Officer-in-Charge, G.E. Group till Captain Hitendra Kumar returned back to resume on 01.4.96 and thereby applicant remained Officer In-Charge, G.E. Group for about a year, but was not allowed acting/officiating allowance for which he made several representations without any response and, therefore, he has come up before the Tribunal seeking relief as above.

3. The respondents have contested the case, filed counter.reply with the clear pleading that during the relevant period, the applicant held dual charges as Foreman as well as Officer-in-Charge, G.E. Group and thereby he substantially worked to his basic post of Foreman and looked after the work Officer-in-Charge, G.E.Group as additional charge and, therefore, not entitled to allowance (as claimed.

4. Heard counsel for the parties and perused the record.

5. Shri K.P. Singh referred Rule, 86, 94 and 165 of Civil Service Regulations and also took through Army Instructions no.187/61 as well as corrigendum to the same issued under head 'Army Instructions' on July, 22nd, 1961. Under head 'A' combination of appointment article 162 of C.S.R.

Saha

has been referred and under head 'B' filling up of short term vacancies in para (a)(iv) there is mention for allowance to Officer appoint to perform over duties of the vacant higher post in addition to his own duties with additional allowances under Article 162 and 162(a) of C.S.R. unless the competent authority reduced the acting allowance under Article 108 C.S.R. subject to clarification as contained in Section 'A' of these instructions. Learned counsel for the applicant emphasise that the case of the applicant is covered under these provisions. It is quite evident from the pleadings that the case of the applicant has not been examined with reference to above instructions and his representations have been kept pending.

6. Under the above circumstances, it is found expedient that the O.A. ^{be} is decided with the following observations/direction.

"The applicant to move fresh representation within ^(one) 1 week enclosing therewith the copies of representations filed earlier and with specific mention of rules and instructions relied upon and the competent authority in the respondents establishment shall decide the same within 4 weeks thereafter. In case the grievance of the applicant is not redressed, a detailed, speaking and reasoned order, with specific mention of rules and instructions in this regard, be passed with copy to the applicant, ^{and} In case the applicant, if so advise, ^{he} may bring fresh O.A."

7. No cost.

Member (J)

[M.M.]