

(2)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

WEDNESDAY, THIS THE 18TH DAY OF JULY, 2007.

QUORUM : HON. MR. P.K. CHATTERJI, A.M.

ORIGINAL APPLICATION NO. 710 OF 2007.

Harish Chandra Singh, I.P.S., 97, Imamganj, Abu Nagar,
Fatehpur.

..... Applicant.
Counsel for applicant: Shri Pankaj Srivastava.

Versus

1. Union of India through the Secretary, Ministry of Home Affairs, New Delhi.
2. State of U.P. through the Principal Secretary (Home), Lucknow.
3. Director General of Police (Training), U.P. Lucknow.
4. The Finance Controller U.P. Police Headquarters, Allahabad.

..... Respondents.
Counsel for Respondents: Sri K.P. Singh.

ORDER

This O.A. has been filed by one I.P.S. officer of U.P. cadre of 1984 batch. He is aggrieved that although he is posted in a Police Training Center (Chunar) and ~~he~~ although ^{he} has undergone Management of Training (MoT) course successfully, he has not been given 15% Special Allowance as envisaged under the Office Order dated 12.5.1999 (Annexure-2 Page 14 of the O.A.). He made representation to the Competent Authority (Respondent No.2) for granting the Special Allowance which was, however, turned down by saying that Police Training Center was not amongst the institutes recognized for payment of such Special Allowance in the original orders of the State Government dated 18.11.1987 and 14.2.1989.

meat

2. The applicant has further stated that two other officers namely, Shri Prakash Singh and Shri Jagdamba Singh, who were posted in P.T.C. in R.P.C. Chunar and Unnao were initially not granted Special Allowance of 15%. However, they filed writ petition No.38199/99 and No.857/02 respectively before the Hon'ble High Court. Upon these writ petitions, the Hon'ble High Court, Allahabad directed the Respondents to consider the representation of the applicants and take appropriate action as admissible under the rules and disposed of the same by speaking order. It has further been stated by the applicant that upon representations filed by both these officers, the State Government considered the same and took a favourable decision to grant Special Allowance of 15% to these officers. The applicant has stated that his situation is identical and, therefore, there is no reason why he should not be treated at par with these officers and why the special allowance should not be granted to him. He filed representations on 2.5.2006 and 14.5.2006 for considering his case a fresh in the light of the decision taken by the State Government in the case of Prakash Singh and Jagdamba Singh. However, in reply to the representations, the applicant was informed by letter dated 17.5.2006 that his case was referred to the Competent Authority in the State Government for a decision and as soon as the decision would be available, it would be communicated to him. The letter was signed by the Deputy Superintendent of Police (Training) Shri A.B. Rakesh (Page 34 of the O.A.).

3. Shri K.P. Singh, who represents the department, had earlier taken a copy of the notice and he says that he was ready to file counter in this O.A. However, it is considered that the representation may be decided by the Respondents quite easily by examining whether the case of Prakash Singh and Jagdamba Singh are similar to the present applicant and whether the same decision would apply to him.

meant

Therefore, I do not consider that the decision on the case be delayed by calling for a detailed counter for a decision on merit. The applicant has prayed in the O.A. for the relief firstly of quashing the impugned order dated 1.5.2006 and secondly a suitable direction to decide his representation. Since the respondents do not seem to have taken a final decision in the matter, I am of the view that the matter can be disposed of at the admission stage itself by issuing suitable direction to the Respondents for deciding the representation of the applicant, which is pending since May, 2006 within a reasonable time.

4. With the above direction, the O.A. is disposed of finally with a direction to the Respondents to consider the aforesaid representations of the applicant and take decision within a period of two months from the date of receipt of a copy of this order and to communicate the decision to the applicant through a speaking order.

No order as to costs.

Asthana

A.M.

Asthana/