

Order dated 8.4.2002

Heard Dr.D.B.Mishra, the learned counsel for the Applicant and Shri.A.KiBose, the learned Sr.Standing Counsel for the Respondents.

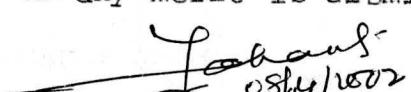
Applicant, while working as L.D.C. in the Staff Section of the Circle Office of the P.M.G., Bhubaneswar, was deputed to Postal Printing Press for a period of three years vide P.M.G.'s order dated 18.6.1986 (Annexure-A/1). He prayed for deputation allowances under a series of series of representations vide Annexure-A/3. Later, vide P.M.G.'s order dated 28.7.1987 (Annexure-A/4), the order dated 18.7.1986 (Annexure-A/1) was superseded and the deputation was shown to be 'transfer' simplicitor.

In the present O.A. the Applicant has prayed for a direction to Respondents to pay him deputation allowances as he was deputed under Annexure-A/1 dated 18.7.1986.

In reply a counter has been filed; wherefrom it is seen that under Annexure R/1 dated 20.2.1987, the P.M.G. sought clarification from the Ministry of Communications to pay deputation allowances to persons, like the present applicant, who were deputed from the P.M.G. Office to the Postal Printing Press; in response to which the Ministry, vide letter dated 17.2.1987 (gist of which has been extracted on Annexure-R/1), apparently turned down the suggestion to pay deputation allowances, and as a measure thereof, perhaps the P.M.G. modified the Deputation Order to that of a transfer simplicitor under Annexure-A/4 dated 28.7.1987. Thus the Respondents have tried to explain the circumstances under which deputation allowances

could not be paid to the applicant. Shri Bose, for the Respondents submits that the deputation order under Annexure-A/1 dated 18.7.1986 stood virtually modified/recalled under Annexure-A/4 dated 28.7.1987 and therefore, the applicant was not entitled to deputation allowances. To this Dr. Mishra states that before issuance of Annexure-R/4 dated 28.7.1987, the applicant was not put to notice nor has he been given an opportunity to have his say in the matter and therefore, there has been a gross violation of the principles of natural justice in issuing the order under Annexure-A/4 dated 28.7.1987. Stating so, Dr. Mishra stated that the applicant was, at least, entitled to deputation allowances, as admissible to a Govt. of India of his status for the period from 22.7.1986 to 28.7.1987.

In ordinary course, this submission of Dr. Mishra, ^{the ground to the O.A.} could have been allowed to the extent of granting deputation allowance for the period between 22.7.1986 to 28.7.1987. But for the reason of the fact that the applicant was put to notice under Annexure-A/1 dated 18.7.1986 itself that "nothing was due to him towards deputation allowances", the minimum relief prayed for ^{also} by Dr. Mishra is not available to be granted. In the said premises, the O.A. being devoid of any merit is dismissed. No costs.


08/04/1982
MEMBER (JUDICIAL)