6

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NOS. 120 and 121 OF 2007
CUTTACK, THIS THE 15th DAY OF February, 2008

Sri Tara Pada Biswas and another..... Applicant

Vs

Union of India & Others .....Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal of not ?

(K.B.S.Rajan)
MEMBER (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NOS. 120 and 121 OF 2007
CUTTACK, THIS THE 15th DAY OF February, 2008

CORAM :

HON'BLE Dr.K.B.S.RAJAN, MEMBER (J)

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Sri Tara Pada Biswas, aged about 49 years, son of Bhejal Chandra Biswas, MV 98, P.O. Chitrangpalli, P.S. Kalimela, Dist. Malkangiri, presently working as Signaller, Dept. Telegraph Office, Koraput..

.....Applicant (In O.A.120/07)

Sri P.K.P.Khosla, aged about 58 years, son of Mangal Khosla,Village Mastiput, P.O./Dist. Koraput, presently working as a Gr. D employee of the Telecom Department, O/O The T.M.Koraput, Dist. Koraput..

.....Applicant (In O.A.121/07)

Advocate(s) for the Applicant- M/s. D.P.Dhalsamant, P.K.Behera

VERSUS

1. Union of India represented through its Secretary, Department of Telecommuinications, Sanchar Bhawan, New Delhi-110001.
2. The Chief Genral Manager, Telecom, BSNL, Orissa Circle, Bhubaneswar, Dist. Khurda.
3. General Manager, Telecom District, Koraput, At/P.O./Dist. Koraput.
4. The District Telecom Officer, Office of the TM I/c, D.T.O., Koraput.
5. The Chief Accounts Officer, O/o – General Manager Telecom District, Koraput, At/PO/Dist. Koraput.

..... Respondents

Advocates for the Respondents – Mr. U.B.Mohapatra, Mr.S.B.Jena

8

ORDER

Hon'ble Dr. K.B.S.Rajan, Member(J)

As these two O.As. revolve around the same subject matter though these were independently heard, the common order is passed.

The applicant, in these O.As. were deputed to the Telecom Department as could be seen from Annexure-A/1 order dated 23.03.1995. However, no deputation allowance was granted to them. Subsequently, as late as October 2007, the applicants were repatriated to the parent department. The applicants have claimed deputation allowance/special pay.

Respondents have contended that the applicants do not qualify for special pay as the same is payable for performing duties of arduous nature or in any specific additional responsibility, whereas the applicants have been asked to perform certain duties at only one place on account of shortage of man power. Be that as it may, provision relating to grant of deputation allowance are clear vide F.R.No. 9(25)-as long as the transfer is outside the normal field of deployment and is in public interest, deputation allowance cannot be denied.

In view of the above, it is clear that the applicants are entitled to deputation allowance at the rate of 5%/10% as the case may be for the entire period from the date of they being deputed to the department of Telecom till the date of their repatriation.

The O.A. is allowed and the Respondents are directed to release the deputation allowances at the rate fixed by the Government for the entire period from 1995 to 2007 when the applicants were on deputation.

These orders be complied with within eight weeks from the date of communication of this order. No costs.

(K.B.S.Rajan)
MEMBER (J)