

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. NO. 1375/1996

DATE OF DECISION: 04.10.04

PRESENT: HON'BLE MR. SARWESHWAR JHA, MEMBER (A)
HON'BLE MR. M.K. GUPTA, MEMBER (J)

Smt. Rita Biswas W/o Sri Bhaskar Biswas,
Working as L.D.C., Metal & Steel Factory,
Ichapore, Dist North 24 Parganas
residing at

... Applicant

Versus

1. Union of India, through
The Secretary to the Govt. of India,
Ministry of Defence,
(Dept. of Defence Production)
South Block, New Delhi - 110 011
2. The Director General,
The Ordnance Factories,
Ordnance Factories Board,
10-A, Auckland Road
Calcutta - 1
3. The General Manager,
Metal & Steel Factory,
Ichapore, Nawabganj,
24 Parganas (North) W.B.

... Respondents

Present for applicant : Mr. T.K. Biswas
Present for Respondents: Mr. B. Mukherjee

ORDER

PER SARWESHWAR JHA, MEMBER (A) :

The applicant has impugned the order of the Respondents dated 01.07.1996 whereby entitlement of special pay of Rs.40/- per month w.e.f. 13.06.1996 has been withdrawn in her case. She has prayed that the respondents may be directed to cancel the said order and to restore the said benefit w.e.f. 13.06.1996.

2. The applicant initially joined the respondents as a Lower Division Clerk (LDC) on 02.04.1982. With her appointment as LDC, she was deployed on the Telex Machine with a special pay of Rs.20/- admissible to Telex Operator at the said point of time. The special pay was enhanced to Rs.40/- per month after the implementation of the

B.M

4th Pay Commission Report. She continued to enjoy the said benefit till June, 1996 when an order was issued by the respondents transferring her w.e.f. 13.06.1996 as a part of rotational (inter-section) transfers (Ann. A/3). From the said order, it is observed that she has been transferred from one Section to another Section as an LDC. The fact that she was holding the post of Telex Operator has not been mentioned in the said order. The applicant has submitted that she had been formally appointed as Telex Operator under Factory Order Part-II No. 466 dated 02.04.1984 and the said order, according to her, is subsisting till date.

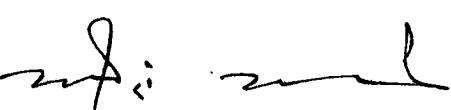
3. The respondents, in their reply, have mentioned that the applicant is actually an LDC and she had merely been deployed to operate the Telex Machine for the reasons that she possessed a training certificate in operating telex machine. Accordingly, she had been put on Telex Machine duty from the date of her appointment as an LDC, making it clear that it was not a separate post and that she would be governed by all rules and regulations relating to the post of LDC. It had also been made clear to her that she would not be eligible to draw increment as LDC and quasi-permanency/confirmation in that grade would not be granted to her until she had acquired the prescribed type writing speed. It has also been contended by the respondents that if the applicant had been continued as a Telex Operator, the other persons in the clerical cadre, who are now competent to operate Telex Machine, shall be deprived of the special pay and, as such, they decided to put persons having the knowledge of Telex Machine on the said work from the clerical cadre by rotation. They have also argued that transfer of the staff from one Section to another is an administrative requirement.

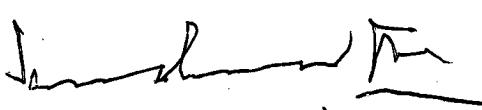
S. W.

4. Further, the respondents have contended that an LDC deployed on telex operation duty can be transferred like any other LDCs with the availability of more such persons trained in telex machine operation. Accordingly, they have submitted that no irregularity has been committed by transferring the applicant from telex operation duty to another Section.

5. On perusal of the facts of the case as submitted by both the sides, it is observed that essentially the applicant is a Lower Division Clerk and, by virtue of the training she had received in Telex Machine Operation, she had been deployed on the Telex Machine and she continued as such for several years, enjoying the benefit of special pay attached to the said work. In the meantime, some more persons from the cadre of LDC acquired knowledge in Telex Machine operation and have thus become available for the job. As deployment on the Telex Machine entails benefit of special pay, it is quite proper on the part of the respondents to have made it by rotation so as to enable the other trained persons in the said cadre to avail themselves of the benefit of special pay. It is quite obvious that the applicant could not have been allowed to continue with the benefit for an indefinite period when others from the same cadre are equally trained. We are also convinced that there is no separate post of Telex Operator with the respondents and that they are utilizing the services of an LDC only for operating the machine.

6. Under these circumstances, we do not find any merit in the case of the applicant and accordingly the OA cannot be allowed, and the same stands dismissed.


(MUKESH KUMAR GUPTA)
MEMBER (J)


(SARVESHWAR JHA)
MEMBER (A)

/pkr/