

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 245/2010

Date of Order: 26.05.2011

CORAM:

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

1. Kanti Ballab Joshi S/o Shri Shanker Dutt Joshi, aged 50 years, R/o Quarter No. 29/3, MES Colony, Abohar, District Firozepur.
2. Om Prakash S/o Shri Pala Ram, aged 53 years, R/o Taneja Colony, Malout Road, Abohar, District Firozepur.
3. Ramji Lal S/o Sri Gurdit Ram, aged about 59 years, R/o village Kala Tiba, Tehsil Abohar, District Firozepur.
4. Sumed Singh S/o Shri Kundan Singh, aged 50 years, R/o Quarter No. 30/1, MES Colony, Abohar, District Firozepur.

- All FGM in the office of Garrison Engineer, Abohar, District Firozepur.

...Applicants.

Mr. Vijay Mehta, counsel for applicants.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, MES, Sriganganagar.

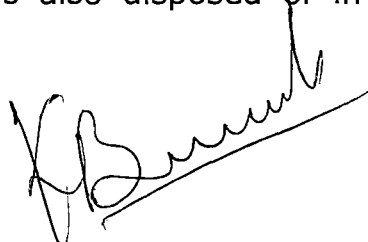
....Respondents.

Mr. Mahendra Prajapat, proxy counsel for
Mr. Ravi Bhansali, counsel for respondents.

ORDER

(Per Dr. K.B. Suresh, Judicial Member)

The matter relates to the payment of Night Duty Allowance according to the actual salary of the applicants. The Tribunal in earlier cases also had held that the employees are entitled for Night Duty Allowances on the basis of their actual salary, therefore, this case is also disposed of in the same lines. As



stipulated in O.A. No. 34/2008 (Ram Kumar & Ors. vs. Union of India & Anr.), decided on 05.11.2009, the same yardstick shall be adopted in this case as well. Therefore, the following orders are issued:

- (i) The Night Duty Allowance shall be paid to the applicants on the basis of the actual salary after taking out the pay structure determinants like HRA etc. which have no actual relation to the work performed and on the basis of this pay, thus arrived at, Night Duty Allowance is payable to the applicants also.
- (ii) The applicants shall also be entitled to such arrears as is applicable from the date(s) it is due on the basis of actual pay thus arrived at, as also directed in the said earlier case as a principle.

2. The Original Application is, thus, allowed to the limited extent as stated above. No order as to costs.


(Dr. K.B.Suresh)
Judicial Member

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