

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 290/00447/15

Jodhpur this the 6th May, 2016.

CORAM

Hon'ble Ms Praveen Mahajan, Administrative Member

Prakash Chand Bothra S/o Shri Chintamandas, aged about 63 years, R/o Dhani Bazar, Barmer – 344001.

.....Applicant

(By advocate : Mr T.C. Gupta)

Versus

1. Union of India through the Secretary, Ministry of Communication, Department of Post, Govt. of India, New Delhi – 110001.
2. The Superintendent of Post Offices, Churu Division, Churu-331001

(By Advocate : B.L. Tiwari)

.....Respondents

ORDER

The present application has been filed u/s 19 of Administrative Tribunals Act, 1985, challenging the order dated 28.09.2015 passed by respondent No. 2 whereby claim of the applicant for deputation allowance has been rejected

2. The present controversy is in very narrow compass. The applicant has stated that while posted at Churu as Postal Assistant, he was posted on

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2012. Therefore, as per provisions of F.R. he is entitled for deputation allowance.

3. The respondents in their reply have inter-alia referred to FR 9 (25) and proviso of Appendix-5 and stated that the Rules in this respect are very clear and the applicant is not entitled for any deputation allowance. The TA has already been paid to the applicant

4. Heard both the counsels and perused the record as well as provisions of FR 9 (25).

5. The FR 9 (25) is reproduced below :

(25) *Special Pay means an addition, of the nature of pay, the emoluments of a post or of a Government servant, granted in consideration of –*
(a) the specially arduous nature of duties;
(b) a specific addition to the work or responsibility.

For orders regarding grant of Special Pay to various categories of Government servants and treatment thereof for the purpose of fixation of pay on promotion, see Appendix-8 in this Compilation.

For orders regarding grant of Special Pay in the name of Deputation (Duty) Allowance on the transfer of Central Government servants to other Government Departments, Companies, Corporations, etc. see Appendix-5 in this Compilation.

Further, the appendix-5 stipulated the Scope of Term 'deputation/foreign service- Restrictions on treating an appointment as on deputation/foreign service, the relevant portion is reproduced below :

3.1 The terms deputation/foreign service will cover only those appointments that are made by transfer on a temporary basis, provided the transfer is outside the normal field of deployment and

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which controls the service or post from which the employee is transferred.

3.2 *The following types of appointments will not be treated as deputation/foreign service for the purposes of these orders :-*

- (a) *appointments of serving employees made either by promotion or by direct recruitment from amongst open market candidates, whether on permanent or temporary basis.*
- (b) *permanent appointment made by transfer.*
- (c) *Temporary appointment made on the basis of personal requests of employees.*
- (d) *Arrangements necessitated by staff imbalances arising on re-organization of offices on the same or different stations, subject to the specific condition that no Deputation (Duty) Allowance will be admissible in such cases.*

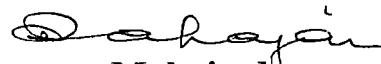
6. The applicant has neither been transferred to any ex-cadre post nor is the transfer of the applicant outside the normal field of deployment. The Postal Assistants at smaller post offices are required many a times, to work as Sub-Postmaster and these are only arrangements necessitated by staff imbalances arising on re-organization of offices on the same or different stations. The applicant has also failed to produce on record the original order by which he has been transferred to Hamirawas. Merely deputing the applicant in the same department, to work as SPM, which is not an ex-cadre post, does not entitle him for any deputation allowance. The FR 9(25) referred by the applicant in Annex. A/1 also does not support his claim.

7. I have perused the OA filed by the applicant through his counsel. The relief claimed by the applicant has not been supported by proper grounds and nowhere in the OA the claim of the applicant has been

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respondents have also failed to bring out the proper clarity on the issue. The rationale of competent authority in note dated 27.07.2012 for turning down the claim of deputation allowance also seems oblivious to the rules on the subject.

8. In view of discussions, hereinabove made, the OA lacks merit and the same is dismissed with no order as to costs.


[Praveen Mahajan]
Administrative Member

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