

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A. 241/1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Hon'ble Mr. G.S. Maingi, Administrative Member

BIMAL RANJAN CHAKRABORTY

VS.

1. UNION OF INDIA, SERVICE THROUGH THE SECRETARY, MINISTRY OF SCIENCE AND TECHNOLOGY, GOVT. OF INDIA, DEPARTMENT OF SCIENCE & TECHNOLOGY, NEW MEHR ALI ROAD, TECHNOLOGY BHAVAN, NEW DELHI - 110016.
2. SURVEYOR GENERAL, GOVT. OF INDIA, OFFICE OF SURVEYOR GENERAL, POST BOX NO. 37, DEHRA DUN 248001, U.P.
3. ADDITIONAL SURVEYOR ~~GENERAL~~, EASTERN ZONE, SURVEY OF INDIA, 13 WOOD STREET, CALCUTTA - 16.
4. DIRECTOR, EASTERN CIRCLE, SURVEY OF INDIA, GOVERNMENT OF INDIA, 13, WOOD STREET, CALCUTTA-700 016.

For the applicant : Mr. Samir Ghosh, counsel

For the respondents: Ms. K. Banerjee, counsel

Heard on : 11.08.99

Order on : 11.08.99

O R D E R

The short question for decision in this case is whether the applicant is entitled to get additional pay for the post of Assistant Stores Officer under FR-49(v) in pursuance of the letter dated 13th March, 1995 (Annexure 'E' to the app.) or not. According to the applicant, he was promoted to the post of Assistant Store Officer on ad hoc basis for a period of 89 days w.e.f. 02.05.94 or till a regular incumbent <sup>was</sup> posted whichever <sup>was</sup> earlier, vide order dated 11th May, 1994 (Annexure 'B' to the app.). Thereafter the said order has been cancelled by the respondents on the ground that the applicant who was working as a Store Assistant under the Survey of India, Eastern Circle, Calcutta, was not eligible for promotion to the said

post of Assistant Store Officer. Subsequently, the respondents directed the applicant to continue his duty holding the charge of the post of Assistant Store Officer on current duty basis till further orders under FR-49(v) vide order dated 13.3.95 (Annexure 'E' to the app.). It is stated by the applicant that he rendered service to the said post of Assistant Store Officer for more than 3 months on the basis of the order of the respondents and thereby he is entitled to get additional pay as admissible to him under FR-49. But the respondents denied ~~the~~ additional financial benefit to the applicant despite of his several representation requesting them to grant such additional pay for the post of Assistant Store Officer. Thereby he approached this Tribunal claiming additional pay for his works in the post of Assistant Store Officer.

2. Respondents filed written reply to the O.A. denying the claim of the applicant. It is stated in the reply that admittedly the applicant was promoted to the post of Assistant Store Officer on ad hoc basis but subsequently such promotion was cancelled by the authorities vide order dated 20.5.94 (Annexure R-I). Reasons for cancellation of his promotion has been assigned by the respondents stating that as per the Recruitment Rules (Annexure R-V), 5 years of regular service in the Feeder cadre is necessary for consideration of promotion to the post of Assistant Store Officer. The applicant had not even completed one year at the time of assumption of current duties as Assistant Store Officer on 11.5.94. Hence the claim of the applicant is not justified.

3. Ld. counsel Mr. Samir Ghosh appearing on behalf of the applicant contended that the respondents arbitrarily and illegally denied the claim of the applicant to which he is entitled as per rules. It is submitted by Mr. Ghosh that the applicant performed duty in the said post of Assistant Store Officer for more than 3 months and thereby he is entitled to get additional pay as admissible to him as per rules.

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4. Ld. counsel Ms. Banerjee appearing on behalf of the respondents submits that the applicant was directed to hold the charge of the post of Assistant Store Officer on current duty basis till further orders and as per FR-49(v) he is not entitled to get additional benefits. It is further stated by Ms. Banerjee that these facts were clearly mentioned in the order dated 13th March, 1995. Thereby the application is liable to be dismissed.

5. We have considered the submissions of the ld. counsel for both parties and have gone through the records. We have also perused FR-49. On a perusal of the provisions of FR-49 we find that in order to get benefit of additional pay for a certain post, a Government servant should be <sup>formally</sup> appointed to that <sup>full</sup> post for holding the charge of duties attached to the said post by the competent authorities. FR-49(v) runs as follows :-

"no additional pay shall be admissible to a Government servant who is appointed to hold current charge of the routine duties of (another post) or posts irrespective of the duration of the additional charge."

In the instant case, we find that the applicant was directed to hold the charge of the post of Assistant Store Officer on current duty basis till further orders under FR-49(v) and it has been clearly mentioned in the order dated 13th March, 1995 that no additional pay shall be admissible to him for performance of current charge of routine duties. But it is not denied by the respondents that the applicant performed duty in the said post for more than 3 months. At the same time, it is found that unless an employee is appointed to a certain post to hold the full charge of duties, he shall not be entitled to get additional pay under the FR-49 as mentioned above.

6. In view of the aforesaid circumstances, we do not find any reason to interfere with the order of the respondents dated 13th March, 1995 (Annexure 'E' to the app.) as it is issued in accordance with the extant rules. Thereby the claim of the applicant is devoid of any merit and is liable to be dismissed. Accordingly the O.A. is dismissed awarding no costs.

MEMBER(A)

MEMBER(J)