

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 542 of 1990
T. A. No.

DATE OF DECISION 28-5-1992

K Vasu Nair & another Applicant (s)

M/s EV Nayanar &
TG Kaladharan Advocate for the Applicant (s)

Versus

The Chief General Manager, Respondent (s)
Telecommunications, Kerala & 2 others

Mr NN Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. NV KRISHNAN, ADMINISTRATIVE MEMBER

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *AV*
3. Whether their Lordships wish to see the fair copy of the Judgement? *AV*
4. To be circulated to all Benches of the Tribunal? *AV*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

In this application filed under Section 19 of the Administrative Tribunals Act, the applicants pray that the order at Annexure-XVII intimating that the officials/who worked as Instructors in the Training Class cannot be paid instructor allowance at the rate of 30% and the same was sanctioned only to Faculty Members holding posts created for instructional work in training institutions may be quashed, that it may be

declared that the applicants are entitled to receive training

allowance at the rate of/their basic pay for the period during *30%*

which they were deputed as Instructors in the training class at Cannanore and for a direction to the respondents to pay to the applicants the special training allowance at the rate of 30% of their pay for the period they had been deputed as Instructors. The facts of the case can be briefly stated as follows:

2. The 1st applicant is working as Junior Telecom Officer, Telephone Bhavan, Cannanore and the second applicant is working as Telephone Inspector, Telephone Bhavan Cannanore. The Telecom Department has a training centre known as Circle Telecom Training Centre at Trivandrum where training is imparted to the employees of the department. As it was found not feasible to impart training to all the employees in the Institute at Trivandrum, the Department opened training centres in various places. In Telephone Bhavan, Cannanore also training centre was opened. The 1st applicant was selected and deputed as Instructor-in-Charge of the Lineman Learner's Training Class at Cannanore for a period of four months by order dated 22.10.1986. Accordingly, he worked from 1.1.1987 to 23.2.1987 as Instructor. He was again selected and deputed for training class held at Telephone Bhavan, Cannanore for Lineman and Telephone Operators in Public Relations by order dated 3.9.1987 at Annexure-III.

It was stated in the order that the post of Instructors carry all extra allowances and benefits as applicable to CTTC Instructors who are on similar jobs. As per this order Annexure-III, the applicant worked as Instructor during the period from 11.9.1987 to 20.11.1987.. He was again deputed as Instructor from 27.2.1988 to 26.3.1988 for Public Relations Training for T0s/Lineman. Thereafter the 1st and the second in-Charge of applicant were selected and deputed as Instructor / Lineman Learners Training Class / held at Telephone Bhavan, Cannanore from 19.4.1989 to 18.8. 1989. Initially the special allowance given to Instructors including the CTTC Instructors was Rs.50 per month. The 1st the applicant had received / special allowance of Rs.50/- per month. For a period for which he was deputed upto 26.6.1988. In letter No.20-2/87/Trg dated 11.1.1989 addressed to the General Manager, Telecommunications and Telecom District Officers etc. relating to the improvement of service conditions of Faculty Members in the training institutions, it was stated that training allowance @ 30% of basic pay drawn from time to time is to be granted only to the Faculty Members other than permanent Faculty Members, who are engaged in instructional work. In an office memorandum of the Department of Personnel and Trg. No.12017/2/86-Trg.(TNP) dated 31.3.1987 at Annexure-XIII, it was stated that when an employee of

Government joins a training institution meant for training Government officials as a Faculty Member other than as a permanent/Faculty Member, he will be given a training allowance at the rate of 30% of his basic pay drawn by him from time to time in the revised scales of pay. The applicants felt that being employees of the Department deputed to the training class for imparting training, they were also entitled to the training allowance @ 30% of their basic pay for the period for which they were deputed to training class. Therefore, they submitted representations to the Telecom District Manager praying for the payment of training allowance at the above said rate. In response to the representations, the applicants received the impugned communication at Annexure-XVII informing them that they were not entitled to the special allowance @ 30% since the same was sanctioned only to the Faculty Members holding posts created for instructional work in training institutions. The applicants claim that the decision contained in Annexure-XVII that persons deputed to training class like the allowance applicants are not entitled to special allowance @ 30% of basic pay is not in conformity with the instructions contained in the letter No.20-2/87-Trg. dated 11.1.1989 at Annexure-XII and in the office memorandum dated 31.3.1987 of the Department of Personnel & Trg. at Annexure-XIII. According to the

applicants as the Training Centre at Cannanore was imparting the same type of training which was being imparted at the CTTC, Trivandrum, the decision of the respondents that the instructors in the institutions at Cannanore are not entitled to receive the same special allowance as the Faculty Members at the CTTC, Trivandrum is unreasonable, arbitrary and violative of Articles 14 and 16 of the Constitution. Therefore the applicants have filed this application.

3. The respondents in their reply statement contend that as the posts in which the applicants were posted were not the posts created for instructional work as per standards, but for maintenance and temporarily deputed for specific training course, they are not entitled to the special allowance of 30% of their basic pay and that only those Faculty Members who are holding posts created for instructional work as per the standard are eligible for/ training allowance. Therefore the respondents contend that the application is devoid of any merit and/ the same may be dismissed.

4. We have heard the counsel on either side and have also carefully perused the pleadings and the documents.

5. The applicants claim the benefit of special allowance @ 30% of their basic pay on the basis of the letter dated

11.1.1989 at Annexure-XII and the office memorandum of the Department of Personnel and Trg. dated 31.3.1987 at Annexure- dated 11.1.1989

XIII. The guidelines (i) to (v) in this letter/read as follows:

"(i) The CGMs of Territorial Circles and Telephone Districts of Calcutta and Madras, GM ALTTC, Ghaziabad and GM, TTC, Jabalpur under whom the various training centres are attached will implement the incentive in consultation with their Internal Financial Advisers taking into account the guidelines laid down in DOP&T OM dated 31.3.87 as clarified/amended from time to time and further guidelines laid down under the present OM.

(ii) The training allowance at the rate of 30% of basic pay drawn from time to time is to be granted only to the Faculty Members other than permanent Faculty Members, who are engaged in instructional work.

(iii) Only those Faculty Members who are holding posts created for instructional work as per standards would be eligible for training allowance. Standards for creation of posts for instructional works have been prescribed under DGB&T No.2-270/76-TE dated 9.9.1 1977 and related orders.

(iv) For the personnel engaged on instructional duties against posts created on adhoc basis, the cases should be referred to the Directorate.

(v) Only those Faculty Members who are already drawing special pay against posts specifically sanctioned with special pay for instructional duties and engaged in teaching, are to be considered for the grant of training allowance."

The clause (i) in second paragraph of the Office Memorandum of the Department of Personnel & Trg. dated 31.3.1987 at Annexure- XIII reads as follows:

"When an employee of Government joins a training institution meant for training Government officials as a Faculty Member other than as a permanent/Faculty Member he will be given a training allowance at the rate of 30% of his basic pay drawn from time to time in the revised scales of pay."

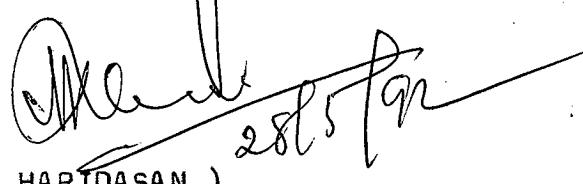
So according to the memoranda mentioned above, special training allowance of 30% is to be paid only in the case of Faculty Members. There is no case for the applicants that

they have been appointed as Faculty Members in post sanctioned as per standards. Annexure-I is the copy of the order by which the 1st applicant was appointed as Instructor-in-Charge of the Lineman Learners Training Class in Telephony which was proposed to be commenced at Telephone Bhavan, Cannanore on 24. 10.1986. Annexure-II the order by which he was relieved of his duties as Instructor shows that he was posted as J.E-in-charge Lineman Learners Training Class, Telephone Bhavan, by Cannanore. The orders/which the applicant No.2 was appointed has not been produced. However, the documents on record show that the applicants were engaged as Instructors to conduct training class./there is no indication that they were at any time appointed as Faculty Members. The learned counsel for the applicants referring to the order dated 3.9.1987 at Annexure-III by which the 1st applicant along with others were posted as Instructor to conduct training class wherein it was stipulated "the post of Instructor carry of extra allowance and benefits as applicable to CTTC Instructors who are on similar jobs." argued that the Instructors of the CTTC are getting special training allowance @ 30% of the basic pay and that therefore there is no justification for the argument that the applicants are not entitled to the same benefit. But the learned counsel for the respondents submitted

that the post of Instructors in CTTC, Trivandrum are created for training purpose strictly in accordance with the standards and that Instructors like the applicants not being holders of post created according to standards, they cannot claim parity with the Faculty Members. Therefore, the learned counsel for the respondents submits that there is absolutely no legitimate grievance for the applicants. On a careful scrutiny of the various terms of Annexure-XII and XIII and the other documents relied on by the applicants, we find that the applicants had never been appointed as Faculty Members or that they had/hold the post of Instructors created as per standards and that for that reason, they have no right to claim special allowance @ 30% which is payable only to the Faculty Members. Exactly identical question as involved in this case was considered by Bench of the this/Tribunal in OA-329/91 one of us - Judicial Member was a party to the judgement dated 26.11.1990. That was a case filed by a Telephone Supervisor at Palghat who had worked as Instructor for the period from 31.8.1987 to 29.1.1988. He filed the application for special training allowance @ 30% for the period in question. Considering the effect of the Government orders and Instructions on the subject, it was held that as the applicant therein had not been inducted as training Faculty Members of/institution, he was not entitled to the

special allowance of 30% of his basic pay. We have no reason to disagree with the view taken in the above case and are convinced that the applicants have no legitimate grievance.

6. In the result, finding no merit in the application, we dismiss the same without any order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER


(NV KRISHNAN)
ADMVE. MEMBER

28-5-1992

trs