

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 329/91 199
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DATE OF DECISION 26.11.91

M.S.Krishnan Applicant (s)

M/s.Philip Mathai,Generous Paliath Advocate for the Applicant (s)

Versus

~~Chief General Manager, Telecommunications~~ Respondent (s)
Kerala, Trivandrum and 2 others

Mr.K.A. Cherian, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P.MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. A.V.HARIDASAN, JUDICIAL MEMBER

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

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 20.2.1991 the applicant who has been working as a Telephone Supervisor at Palakkad has prayed that he should be declared to be entitled to 30% of his emoluments for working as a Instructor from 31.8.87 to 29.1.88 and paid Rs.3717.60 on that basis. He has also sought disposal of his representation dated 23.3.1989 at Annexure-D for the same relief.

2. According to the applicant while working as a Telephone Supervisor at Palakkad Trunk Exchange he was selected as Instructor on Public Relations for Telephone Operators of Palakkad Telegraph Division and in accordance with the Annexure-A order dated 3.12.87 he along with another Telephone Supervisor was granted a special pay of Rs.60/- per month between 31.8.87 and 26.12.87 for performing the duty of an Instructor. In accordance with the further order dated 28.12.87 at Annexure-B the special pay was increased

to Rs.80/- per month till 29.1.88. According to him he worked as an Instructor on deputation for five months but in accordance with the O.M of February, 1986 of the Department of Personnel and Training at Annexure-C, he is entitled to get 30% of his total emoluments during the period he worked as an Instructor. His representation dated 23.3.89 did not evoke any response.

3. In accordance with the respondents the application is time-barred as having accepted the special pay of Rs.80/- per month vide the order dated 28.12.87 he is estopped from moving the Tribunal by this application on 22.2.91 after a lapse of more than three years. They have further stated that the applicant is not eligible for 30% of his emoluments as an Instructor as he does not satisfy the conditions of the O.M at Annexure-C. There was no assurance given to him that he would be given such allowance. They have clarified that there is a Circle Telecom Training Centre (CTTC) at Trivandrum for imparting training to Telecom staff and candidates selected for appointment. Only the faculty members of CTTC holding post created for instructional work would be eligible for training allowance at 30% The applicant was not holding such a post but was only temporarily deputed to impart a special training at Palakkad and not at the Institute. The applicant was holding post for maintenance purposes and was temporarily deputed for instructional duties. So he is only entitled to special pay. During the period of his acting as an Instructor he was shown against his parent office and drew salary accordingly. He was engaged for conducting the classes while being under the control of the local officer.

4. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The O.M of February, 1986 issued by the Department of Personnel and Training at Annexure-C allows inter alia 30% of emoluments to the faculty members as a measure of "improvement in service conditions of faculty members in the training institutions". The relevant sub-paras (i) and (ii) of that O.M are quoted below:-

"(i) Keeping in view the various constraints, it might not be feasible to take up all the training institutions simultaneously for the purpose in mind. Therefore, any incentive scheme

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that may be drawn up should cover the training institutions meant for Gr.A' officers in the beginning and gradually extended to others.

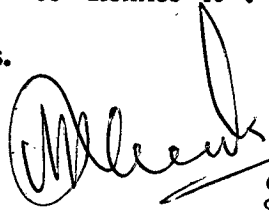
- (ii) With regard to faculty members, who join the training institutions on deputation, their emoluments may be raised by 30% of the total emoluments which they would be getting in their cadre, while posted in the field. The total emoluments in this context would mean the total monetary benefits, both direct and indirect, received by such officers before their deputation to training institutions, e.g., if an officer was provided with rent-free accommodation or free conveyance in his own cadre before deputation, this should be treated as indirect monetary compensation and included while calculating 30% of the emoluments. The exact manner in which this could be done, should be worked out by each Department for the training institutions with which it is concerned. So far as permanent faculty members of training institutions are concerned, suitable proposal for enhancement of their pay/special pay the Department concerned."

(emphasis added)

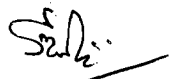
The above show that the 30% allowance would be admissible to training institutions meant for Grade A officers for those who join such institutions as faculty members. The applicant did not join the CTTC as a faculty member nor is the CTTC an institution for training Group A officers. The applicant was handpicked as an Instructor for performing instructional duties on public relations for Telephone Operators of Palakkad Telegraph Division for five months. He was not even sent on deputation to CTTC at Trivandrum. He did not draw the salary or special pay from the CTTC at Trivandrum either. The learned counsel for the applicant produced with the rejoinder photocopy of the Course Certificate issued by the CTTC to Telephone Operator of Palakkad during the period the applicant was working as an Instructor there. This only shows that the Course was sponsored by the CTTC and might have been conducted under their general guidance or supervision, but it does not show that the applicant have been inducted on deputation as a faculty member of the institution to be paid from its funds. The applicant ^{has} ~~does~~ not shown
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us any order which may even indirectly imply that his services were placed at the disposal of the CTTC on deputation.

5. In the circumstances even though the O.A is prima facie time-barred as he moved this Tribunal more than eighteen months after he had filed the representation dated 23.3.89 and still we had admitted the application , yet seeing no force in the application on merits, we have to dismiss it . We order accordingly. Parties will bear their own costs.


26/11/91

(A.V.HARIDASAN)
JUDICIAL MEMBER



(S.P.MUKERJI)
VICE CHAIRMAN