

Reserved

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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

O.A. No. 86 of 1989(L)

R.S.Srivastava

Applicant

versus

The Comptroller & Auditor
General of India & others.

Respondents.

Applicant in person.

Shri V.K.Chaudhari Counsel for Respondents.

(Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant who retired as Accounts Officer from service, has filed this application praying that the respondent No. 2 i.e. The Accountant General, U.P.Audit-I Allahabad be directed to revise the orders of allowing 10% deputation allowance instead of 20% from 7.9.82 to 31.12.85 and 10% instead of 5% in the revised pay scale w.e.f. 1.1.1986 to 6.9.86 and the arrears for the above mentioned period may also be paid consequent on issue of revised orders and that interest may also be paid to the applicant on arrears due till to date.

2. The applicant was appointed as Upper Division Clerk in the office of respondent No. 2 in the year 1951. After passing the relevant examination, he was appointed as Section Officer in the year 1962 and was promoted as Accounts Officer in the year 1979

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in the pay scale of Rs 840-50-1000-EB-50-1200

which post a a result of the restructuring was designated as Audit Officer on 1.3.1984 and the applicant was appointed as Audit Officer on

1.3.84. He was posted as Addl.Zonal Audit Officer in Lucknow Zone vide order dated 3.7.1978, The applicant was selected for the post of Accounts Officer in U.P.Housing Development Board, Lucknow w.e.f. 6.9.1982 said to have been under the terms and conditions laid down in Govt. of India, Ministry Finance O.M. No.F.10(24) F. 111/60 dated 4.5.1961 read with G.I. O.M.No. 19(24) B-11(B) dated 27.1.70 as modified from time to time vide O.O. A.G./Admn. I/11-144/KW/3778 dated 21.8.82 read with No.Sr. DAG (A) C.K./21-134/195 dated 23.9.1982. The applicant selected for deputation when he was on field duty in Barabanki and was relieved for deputation on 6.9.1982 from there, though his Headquarters was at Lucknow. After being relieved for deputation, he was allowed deputation (duty) allowance at the rate of 10% from 6.9.82 to 31.12.85 and 5% from 1.1.86 to 31.10.86.

3. Applicant's grievance is that he is entitled from 6.9.82 to 21.12.85 to 20% deputation allowance/on the ground that his Allahabad and not his Headquarter was at/Lucknow and at the rate of 10% with effect from 1.1.86 to 31.10.86, pleading that his Headquarter was Allahabad and not Lucknow for all purposes except T.A. Claim. The applicant made representation to the department which was rejected. After retiring from his service the applicant again made representation to the Comptroller and

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Auditor General of India which was rejected vide letter dated 6.2.89, whereafrer the applicant has approached this Tribunal.

4. Applicant's plea is that in the year 1962 Zonal audit system was introduced to effect economy in expenditure and it was started at Lucknow in the year 1962 and he was posted to Lucknow Audit Zone as Additional Zonal Audit Officer, as mentioned above. No D.A. and T.A. was allowed to him and it was admissible only when he visited the places other than Lucknow. As per allegation, the applicant was placed at the disposal of U.P. Housing and Development Board Lucknow on foreign service terms vide letter dated 21.8.82. The applicant was on audit duty at Barabanki from where he was relieved on 6.9.82. According to the applicant the term 'Headquarter' which was also mentioned in the posting order. The Lucknow was the zonal headquarter of the applicant and not Headquarter

5. According to the respondents, the Headquarter of the applicant was at Lucknow for ^{all} intent and ~~all~~ purposes and the issue of orders from Allahabad by the respondents as controlling authority and has no relation with the applicant. It has further been stated that the deputation(duty) allowance is defined in fundamental rules and in case the applicant's Headquarter not been changed from Allahabad to Lucknow, he would have been entitled, due under the provisions of Supplementary Rules on his transfer/posting as

Additional Zonal Audit Officer at Lucknow.

6. It is noticed that in the appointment letter of the applicant it was mentioned that the applicant is posted as Additional Zonal Audit Officer with Headquarters at Lucknow. On behalf of the applicant, there appears to be no dispute that made much difference with the meaning of word 'Headquarter or Station' in this case. On behalf of the applicant it was contended that though the dictionary meaning of Headquarter as "Quarters or residence of a Commander in Chief of an Army" "The place where a Commander's orders are issued". According to the applicant there was no place at Lucknow which could be called Headquarter and the service record of the applicant was maintained at Allahabad and the promotions orders were also issued from Allahabad and the Allahabad was taken as Headquarter. If the contention of the applicant is accepted, there were two Headquarters, one from where posting orders were issued and one from where specified central place of work within the zone of which he was to carry on his duties. According to the applicant it was only headquarter of the zone and not more than that. There is no denial of the fact that Barabanki was within the zone of Lucknow and the applicant was relieved to join at Lucknow itself. On behalf of the applicant a reference has been made to rule 54 and 55 of Civil Service Regulations Vol. I which reads as under:

"Rule 54: As a general rule and subject to any special order to the contrary in particular cases, the Headquarter of an officer on the staff of a Government as service or a Clerk in Government Secretariat, are the Headquarters for the time being of the Government to which he is attached."

"Rule 55: The Headquarters of any other officer are either the station which has been declared to be his Headquarters by the authority which appoints him or in the absence of such declaration, the station where the records or his office are kept."

Even in the defence, on which reliance has been placed does not help the applicant which speaks thus as a general rule and subject to any special order to the contrary in particular cases, the Headquarter will be for the time me being the Headquarter of the government to which he is attached. Rule 55 provides that the Headquarters of any other officer are either the station which has been declared to be his Headquarter by the authority which appoints him or in the absence of such declaration, the station where the records are kept. Vide appointment letter it has been made clear that the headquarter of the applicant will be at Lucknow and on the second part of applicant's contention cannot accepted that any such place where records are kept will be considered as Station.

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7. There difference between the subsidiary rule 190 and 191 of the Financial Hand Book, Vol. II and Rules 54 and 55 of Civil Service Regulations extracted above, the language of the both of them is same, on which reliance has been made. Reference has also been made to F.R. 9(25), para 4.1.2 which reads as under:

"4.1.2. The term 'same station' for this purpose will be determined with reference to the station where the person was on duty before proceeding on deputation/foreign service.

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When there is no change in the ~~the~~ headquarters with reference to the last post held, the transfer should be treated as within the same station and when there is change in headquarters, it would be treated as not in the same station. So far as places falling within the same urban agglomeration of the old headquarters are concerned, they would be treated as transfer within the same station."

G.I.Dept. of Per& Trg. U.O.No.2/3/86-Estt.

(P-II), dated the 10th April, 1986 to C & A.G.)

The said O.M. itself provides that the ^{term} same station is to be determined with reference to station where the person was on duty before proceeding on duty. The applicant proceeded on foreign service from Allahabad and his headquarters were changed as mentioned in the appointment letter itself and as such Allahabad could not be treated to be his Headquarters as Headquarter itself was changed and Lucknow as not in the urban agglomeration of Allahabad itself.

8. Lucknow may be the zonal Headquarter but even from the provincial or State Headquarters, the applicant was transferred to zonal Headquarters and it will be his headquarter, Allahabad apart from being State Headquarter the Allahabad was also the zonal Headquarter. As such the contention of the applicant that his transfer was in the same station or that his Headquarter was not changed and continued to be at Allahabad, fails. As such

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he cannot claim 20% deputation allowance as claimed by him and the application, in these circumstances, deserves to be dismissed and accordingly, it is dismissed. There will be no order as to costs.

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Vice Chairman.

Lucknow : Dated 1/5/92

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