

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

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Original Application No. 101 of 1991

this the 27th day of January, 1993.

HON'BLE MR V.K. SETH, ADMN. MEMBER
HON'BLE MR D.C. VERMA, JUDICIAL MEMBER

Lalta Prasad Sonkar, aged about 50 years, S/o
Sri Buchcha Lal Sonkar, R/o House No. 183, VIth Lane,
Nishatganj, Lucknow.

Applicant

By Advocate : In person

Versus

Union of India through the Secretary of Finance And
Revenue, New Delhi.

2. Central Board of Direct Taxes, New Delhi through
its Secretary.

3. Commissioner of Income Tax, Lucknow Charge, Lucknow.

4. Dy. Commissioner (Addit) of Income Tax, Lucknow.

O R D E R (O R A L)

V.K. SETH, MEMBER(A)

Vide this O.A., the applicant has prayed for quashing of the order dated 26.7.1990 by which his claim for special pay for the period August 1983 to May, 1984 and deputation allowance for the period 15.9.1987 to 16.10.1987 has been rejected. The applicant has also prayed for directions to the Opp. parties to pay special pay and the deputation allowance for the

above periods.

2. Pleadings have been exchanged between the parties which we have perused. We have also taken note of the rival contentions of the applicant who has appeared in person and the learned counsel for the respondents made during the course of the hearing.

3. As per averments in the O.A., the applicant was U.D.C. posted in the office of Commissioner, Income Tax, Lucknow and he was earlier posted as U.D.C. with I.A.C. (Audit) vide order dated 24.7.1983. He was assigned the work of dealing with the Audit objections (Draft paras) and PAC matters at headquarter. It is asserted that he dealt with the audit objections (draft paras) and PAC matters during the period in question and despite numerous representations, he was not granted the special pay. In regard to the second part of the relief, it is claimed that he was deputed to the Direct Taxes, Regional Training Centre, Lucknow vide order dated 30.11.1987 for the period 15.9.1987 to 16.10.1987, but has been denied deputation allowance for the aforesaid period despite representation.

4. In support of his claim regarding special pay, the applicant has enclosed a copy of the order dated 24.7.1983 purported to have been signed by one A.S. Bisen, IAC (A), Lucknow ^{posting him} for dealing with the important receipt of audit objections of CIT, Allahabad charge in place of Sri M.Z.H. Siddiqui. He has also enclosed as Annexure-8 a letter from Assistant Commissioner of Income Tax (Addit), Lucknow addressed to IAC IT, headquarter dated 26.6.1987 interalia mentioning therein

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that he had looked into the records and register maintained during the period August, 1983 to May 1984 and found that Sri L.P. Sonkar (applicant in the present O.A.) was dealing with PAC matters and Draft paras. The letter further states that Sri Sonkar is eligible for special pay during the aforesaid period.

5. While contesting the claim of the applicant the respondents have stated that as per office record the order dated 24.7.1983 is not available in the file. However, a reference has been made in the order transfer of dated 25.8.1983 vide which Sri M.Z.H. Siddiqui is indicated. There is no specific denial of the order dated 26.6.1987 (Annexure-8) of IAC II (Audit), Lucknow, wide which special pay was recommended to the applicant for the period August, 1983 to May, 1984. In view of the fact that specific order posting the applicant with IAC (Audit) were issued only on 25.8.83, there can ~~only~~ be ^{no} dispute that the applicant is entitled to special pay w.e.f. 25.8.1983 and not from 1.1.1983 as claimed by the applicant in his O.A.

6. As regards the second relief, the existence of the order dated 30.11.1987 posting the applicant to Regional Training Institute, Lucknow is not in dispute. Infact the wording of the order is also not dispute and the same clearly mentions that the applicant is posted on deputation and shall be entitled to deputation allowance as per the normal rules. The learned counsel for the respondents, however, argued that rules do not provide for payment of deputation allowance in such cases. Neither cited any rule before us nor any specific order as to what kind of monetary benefit is allowed in such cases. We would be slow in ^{therefore}

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issuing any specific direction and expect that the respondents shall pay to the applicant any special pay/
allowance as may be applicable ^{in respect} of his posting for the period in question at the Regional Training Centre, Lucknow.

6. To conclude, the O.A. stands disposed of with the following orders :

(i) The applicant shall be paid prescribed special pay for the period 25.8.1983 to 31.5.1984 during the period the applicant dealt with PAC and Audit matters.

(ii) The applicant shall also be paid additional monetary benefit as may be admissible for the period 15.9.1987 to 16.10.1987 during which period he was posted at Regional Training Centre, Lucknow.

(iii) The above directions shall be complied with within a period of two months from the date of communication of this judgment and order.

7. The O.A. stands disposed of as above with no order as to costs.

MEMBER (J)

MEMBER (A)

LUCKNOW: DATED: 27.1.97
GIRISH/-