BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA.NO. 472/87

Shri R.W.Deshpande,
Junior Accounts Officer,
Pay and Accounts Office,
Patents, Designs, Trade Marks,
Room No. 342, C.G.O. Building,(Old)
M.K.Road, Bombay 400 020. Applicant

V/S.

Controller General of Accounts,
Ministry of Finance,
Department of Expenditure,
Lok Nayak Bhawan,
New Delhi. Respondent

OA.NO. 483/87

Shri N.J.Katte,
Junior Accounts Officer,
Office of the Dy.Controller of Accounts,
Deptt. of Supply, Bombay
Now on Deputation to the Central
Administrative Tribunal,
New Bombay Bench, New Bombay. Applicant

V/S.

Controller General of Accounts,
Lok Nayak Bhawan, New Delhi-110001.

2. Dy.Controller of Accounts,
Deptt. of Supply,
Exchange Building,
Ballard Estate, Bombay-400 038. Respondents

OA.NO. 484/87

Shri G.Ramachandran,
Pay and Accounts Officer,
O/O the Dy.Controller of Accounts,
Deptt. of Supply, Exchange Building,
Ballard Estate, Bombay-400 038. Applicant

V/S.

Controller General of Accounts,
Ministry of Finance,
Deptt. of Expenditure,
Lok Nayak Bhawan, New Delhi.

2. Deputy Controller of Accounts,
Deptt. of Supply, Exchange Bldg.
Ballard Estate, Bombay-400 038. Respondents

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CORAM : Hon'ble Vice Chairman Shri B.C.Gadgil

APPEARANCES :

Mr.C.Nathan
Advocate
for the Applicants

Mr.V.K.Pradhan
for Mr.P.M.Pradhan
Advocate
for the Respondents

ORAL JUDGMENT Dated: 17.3.1988

(PER: B C Gadgil, Vice Chairman)

These three matters can be conveniently decided by our common judgment.

2. The three applicants are the employees working under the Controller General of Accounts. They were previously holding the post of Senior Accountant. The next higher post is of that of Junior Accounts Officer. The Government has provided that a senior accountant passing Accounts Officer Part II examination or equivalent examination, namely, Subordinate Accounts Service examination would be entitled to a special pay of Rs.20/- p.m. Deshpande, who is applicant in OA NO. 472/87, passed such examination in November, 1979 while Katte (applicant in OA.NO. 483/87) passed it in June, 1977. The third applicant Ramchandran (in OA.NO.484/87) has passed the examination in November, 1972. The above mentioned provision of grant of special pay is made effective from 1.1.1973 and said pay is to be granted from the last date of the examination. The contention of the applicants is that at the time of last date of examination which they passed, they were holding the

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substantive post of Senior Accountant and working in the promotional post of Junior Accounts Officer on ad hoc basis. Hench they claim that their pay from the last date of examination should have been increased by Rs.20/-. This claim was denied by the department and hence this application.

3. Respondents resist the claim on various grounds. However, I do not think it necessary to consider all those contentions particularly because the controversy that arises in this application was already before this Tribunal in Original Application of 12/86 which was decided on 18.11.1986. In substance the Tribunal held that an employee who was holding substantive post of senior accountant at the time of passing examination would be entitled to the special pay though he was promoted on ad hoc as Junior Accounts Officer. The facts in the above mentioned original application are practically similar to the facts in these matters. The Tribunal has granted claim of special pay in OA.NO. 12/86. During the course of argument I was told that the said order in OA.NO. 12/86 has been complied by the Department. In view of this position, it would be very difficult for Mr.Pradhan to contend that these applicant should not get the special pay though in similar matter i.e. OA.NO. 12/86 the special pay has been granted to that applicant. It is true that Mr.Pradhan tried to urge that the claim of the applicants is made after a lapse of long period and that I should not entertain the claims. In my opinion this contention of Mr.Pradhan should not be accepted particularly because in OA.NO. 12/86 also Tribunal have passed an order in 1986 granting special pay w.e.f. 1977.

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4. Thus, following the decision in OA.NO. 12/86, I pass the following order.

ORDER

(A) Application No. 472/87 is partly allowed. The pay of the applicant is fixed at Rs.660/- on 16.11.1979. The respondents are directed to make the payment to the applicant on the basis of this pay and also on the basis of subsequent increments as are permissible to the applicant. Parties to bear their own costs of the application.

(B) Application No. 483/87 is partly allowed. The pay of the applicant is fixed at Rs.640 on 20.6.1977. The respondents are directed to make the payment to the applicant on the basis of this pay and also on the basis of subsequent increments as are permissible to the applicant. Parties to bear their own costs of the application.

(C) Application No. 484/87 is partly allowed. The pay of the applicant is fixed at Rs.580 on 1.1.1973. The respondents are directed to make the payment to the applicant on the basis of this pay and also on the basis of subsequent increments as are permissible to the applicant. Parties to bear their own costs of the application.

(D) This judgment should be kept in the record of OA.NO. 472/87 and a copy thereof should be kept in OA.NO. 483/87 and 484/87.

Sd/-
(B.C.GADGIL)
Vice Chairman