

(2)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 580/89
~~XXXXXX~~

198

DATE OF DECISION 13.12.1989

Shri J.S.Kalamkar Petitioner

Applicant in person Advocate for the Petitioner(s)

Versus

Union of India and others. Respondents

Mr.R.C.Kotiankar for Mr.M.I. Advocate for the Respondent(s)
Sethna.

CORAM

The Hon'ble Mr. M.B.Mujumdar, Member (J)

The Hon'ble Mr. M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
 2. To be referred to the Reporter or not ? *No*
 3. Whether their Lordships wish to see the fair copy of the Judgement ? *{ No*
 4. Whether it needs to be circulated to other Benches of the Tribunal ? *{ No*
- [Signature]*

(3)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA.NO. 580/89

Shri J.S.Kalamkar,
95/8, Netaji Nagar,
Wanwadi, Pune 411 040.

... Applicant

V/S.

Union of India through
Secretary, Ministry of Defence,
New Delhi.

AND OTHERS.

... Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Applicant in person

Mr.R.C.Kotiankar
for Mr.M.I.Sethna
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 13.12.1989

(PER: M.B.Mujumdar, Member (J))

Heard the applicant in person and Mr.R.C.Kotiankar
for Mr. M.I.Sethna for the respondents.


2. The applicant is working as Upper Division Clerk in the office of Respondent No. 4. By office memorandum dated 29.6.1979 issued by the Govt. of India, Ministry of Defence, it was decided that in non-Secretariat administrative offices where the posts of Assistants do not exist, the UDCs attending to more complex and important nature may be granted special pay of Rs.35/-. In view of this decision and on recommendations of the DPC, a special pay of Rs.35/- was sanctioned to the applicant w.e.f. 26.7.1985 by Daily Order Part II Group 'C' personnel dated 30.11.1985. However, by order dated 4.2.1988

passed by Respondent No. 4, the special pay was discontinued w.e.f. 1.2.1988. That order is challenged by the applicant in this case. It reads as under :-

"Special Pay to UDCs : Discontinuation of

1. Reference CPRO 41/83.
2. At present the following UDCs are in receipt of Special Pay at the rate of Rs.70/-P.M. each for the last two years :-
 - (a) Shri J.S.Kalamkar, UDC (pt)
 - (b) Shri S.N.Kulkarni, UDC (pt)
3. Due to reduction in PE of civilian clerks of our Command HQ, the ratio of civilian clerks has also been reduced which comes to 14 UDCs auth and held in our command Seniority Roster. As per the instructions, 10% of the UDCs are auth Special Pay, it comes to one UDC only.
4. It was brought out that there was not a single UDC who is working voluntarily in the afternoon daily or 2-3 times in a week or working on Sunday's/Holidays which involves carrying out discernible duties and responsibilities of complex nature. Seniority-cum-fitness would not be the criteria for filling up such post.
5. In view of the foregoing it has been decided that Special Pay is not to be granted to any of the UDCs serving in Command HQ/Area/Sub Area/SSOs and discontinued those who are already getting with effect from 01 Feb 1988.
6. Please confirm action taken."

3. Respondent No. 4 who has passed the above impugned order is the controlling authority. If he found that there was not even a single Upper Division Clerk including the applicant who was carrying discernible duties and responsibilities of a complex nature, he cannot be blamed for stopping the special pay. It is his opinion that must weigh. We, therefore, find nothing wrong in the impugned order dated 4.2.1988 and hence, the application is rejected summarily, with no order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(M.B. MUJUMDAR)
MEMBER (J)