

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, "GULESTAN" BUILDING NO.6  
PRESCOT ROAD, BOMBAY - 400001  
CIRCUIT SITTING AT GOA

O.A. No. 560/89

Shri V A Vasudevaraju  
55 Indranagar  
Gorimedu  
Pondicherry 605006

.. Applicant

V/s.

1. Chief Secretary  
Government of Goa  
Panaji, Goa 403001

2. Secretary to Government  
Finance Department  
Government of Goa  
Secretariat  
Panaji, Goa 403001

3. Director of Accounts & Treasuries  
Government of Goa  
Panaji, Goa 403 001

.. Respondents

Coram: Hon. Shri Justice U C Srivastava, V C  
Hon. Shri M Y Priolkar, Member (A)

APPEARANCE:

Mr. H R Bharne  
Counsel  
for the respondents

ORAL JUDGMENT

DATED: 26.8.91

(PER: U C Srivastava, Vice Chairman)

The applicant having been appointed to the IAS services under rule 8(2) of Indian Administrative Services Recruitment Rules i.e., from amongst members of other State Civil Services, has raised a grievance before this Tribunal that his special pay of Rs.400 has been suddenly and abruptly been reduced to Rs.300 and deductions have already been ordered. The applicant after putting in 14 years of service was selected in the IAS. Earlier he was Secretary (Revenue)-cum-Collector, Government of Pondicherry and there after he was transferred to Mizoram where he was getting special pay of Rs.400. From Mizoram he was transferred to Goa in the year 1988 and was appointed as Secretary, Public Service Commission, Goa Administration which

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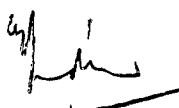
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post he is holding. The applicant was sanctioned an amount of Rs. 400 per month as special pay by the Governor which was communicated under order dated 9.11.1988 signed by the Under Secretary, under Rule 22(1) of the Goa Public Service Commission (Members and Staff) (Conditions of Service) Regulations, 1988, from the date of creation of the said post. The applicant by that time had taken over the charge of the said post. The applicant was thus getting Rs.400 as ~~per~~ special pay per month. Another order was passed eleven months after the first order on 10th August 1989 signed by the Under Secretary (Personnel) Govt. of Goa in which reference was made to Rule 9(1) of the IAS (Pay) Rules, 1954 under which the post of Secretary, Goa Public Service Commission, is equated to the post of Director of Industries and Mines and was allowed special pay of Rs.300/- per month, w.e.f. the date of creation of the post. The order further states that the excess pay drawn would be adjusted in future payment of salary and allowances. As a result of this order the special pay of the applicant was reduced ~~to~~ by Rs.100/- . The applicant has contended that the special pay was fixed after obtaining the sanction of the Governor under Regulation 22(1) of the Goa Public Service Commission (Members of Staff) (Conditions of Service) Regulations 1988 at Rs.400/- He contended that he was drawing special pay of Rs.400/- per month while he was working in IAS cadre in Mizoram from January 1986 to July, 1988. Notwithstanding any thing contained in the rules Regulation 22 of Goa Public Service Commission (Members and Staff) (Conditions of Service) is to the effect that the Secretary shall receive pay in the Senior Scale of Pay of IAS and in addition receive the allowance, as determined by the Governor. In the circumstances the department has granted Rs. 400/-

as special pay which he was getting from Mizoram. Therefore, the applicant contended that the order dated 10.8.1989 should not have been issued and is wrong.

A counter has been filed by the respondents. So far as fixing the special pay of Rs.400 to the post of Secretary, Goa Public Service Commission is concerned, there is a mistake in determining the special <sup>pay</sup> and therefore, the matter was referred to the Home Ministry and the Home Ministry has stated that the status of Secretary, Goa Public Service Commission, will be ~~to~~ equal to that of Director, of Industries and Mines and hence the special pay has been restricted to Rs. 300.

May it be so. The Governor is a constitutional head and has taken a decision while fixing the special pay of applicant, which ~~is a~~ Civil Right, and the order dated 10.8.1989 could not have been passed without giving an opportunity of hearing. Accordingly this application deserves to be allowed and the respondents are directed to hear the applicant and regularise the special pay. In the circumstances the order dated 10.8.1989 <sup>quashed and</sup> is set aside. Let a decision in this regard be taken within a period of three months and pass necessary orders in accordance with the law. In the circumstances of the case, there would be no order as to costs.

  
( M Y Priolkar )  
Member(A)

  
( U C Srivastava )  
Vice Chairman