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# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No: 374/89  
~~P.A. No.~~

198

DATE OF DECISION 15-11-91

Shri Kanaihyalal Shaligram Tiwari Petitioner

MR. V.G.Moharil Advocate for the Petitioner(s)

Versus

The Quality Assurance Officer  
Quality Assurance Estt. Nagpur Respondent

Quality Assurance Estt. ( Advocate for the Respondent(s)

**CORAM**

The Hon'ble Mr.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

*us*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
CAMP AT NAGPUR

ORIGINAL APPLICATION NO:374/89

Shri Kanaihyalal Shaligram Tiwari  
Cashier in the office of Quality  
Assurance Estt.(armaments)  
Defence, Ambajhari, Nagpur.

.... Applicant

V/s

The Quality Assurance Officer  
Quality Assurance Estt.(Armaments)  
Defence, Ambajhari, Nagpur  
and ors.

.... Respondents

CORAM : HON'BLE MR.JUSTICE U.C.SRIVASTAVA, Vice-Chairman.

HON'BLE MEMBER MR.M.Y.PRIOLKAR, MEMBER (A)

Appearance :

1. Mr.V.G.Moharil, Adv,  
for the applicant.
2. Mr.Ramesh Darda, Adv,  
for the Respondents.

JUDGEMENT

DATED: 15-11-91

(PER : U.C.SRIVASTAVA, V/c)

In the instant writ petition there is a dispute as to who is entitled to Rs.60 a special pay as Cashier allowance. Earlier the applicant was drawing the special pay of Rs.60, and latter-on, when the respondent No.2 became Cashier from the post of UDC, the special pay is being given to the respondent No.2 instead of applicant. The applicant and the respondent No.2 both, at present are holding two sanctioned posts of Cashier on the strength of Quality Assurance Establishment, Defence, Ambajhari, Nagpur. The applicant who was LDC was promoted as Asstt. Cashier with effect from 10.4.1982. At that time SRO 35/1969 which was in force provided a mode of filling of post of Asstt.Cashier/Cashier by promotion of LDC with 3 years service in the grade failing which by appointment of Asstt.Cashier failing which of the senior most UDC who is

willing to do the job and is otherwise fit. Subsequently, the post of Asstt. Cashier was amalgamated with Cashier vide Government Order dated 26.5.1984, and the applicant became No.2 Cashier with effect from 5.7.1984. Other Cashier was Mr. Lekhraj, who was posted at Kanpur on promotion as Office Superintendent, the post became vacant and the petitioner was the only person doing the work of a Cashier, after his posting he was granted special pay of Rs.60 per month from 6.1.1987. The respondent No.2 who was UDC and the pay scale of which post are equivalent of that of Cashier. Although, he had not completed 3 years as UDC when the applicant started working and became cashier volunteered to be redesignated as Cashier which was accepted and he was appointed as a Cashier with effect from 2.9.1988 and granted a special pay of Rs.60/- per month as he was senior to the applicant in the cadre of UDC including Cashier also as the Cashier also includes in the same cadre and was not separate cadre. The said Respondent No.2 was promoted from LDC to UDC in the year 1981 and promoted as Cashier with effect from 6.10.1987 while the applicant was promoted from LDC to Asstt. Cashier then re-designated as Cashier in the year 1982 and thus how he was junior to him. The contention of behalf of the applicant is that as the applicant became Cashier earlier and the Respondent No.2 has been appointed as Cashier and subsequently, the applicant being senior to him as Cashier. The benefit of special pay which was given to him could not have been taken away and that the provision of the same given it to the Respondent No.2 is illegal. As has been seen the cadre was the same. In the cadre respondent No.2 was senior and the pay scale of Cashier and UDC was the same when the respondent No.2 had been offered himself for the same post by virtue of his seniority. Obviously, he became entitled to the benefit

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which a senior person getting, and which was to be given to a senior person. Prior to the applicant one Me.Lekhraj was drawing the said special pay but the movement the Respondent No.2 step up, obviously, he became entitled to the same. In case, the cadre of the Cashier could have been different, the applicant could have claimed that pay. The cadre is the same and <sup>the applicant</sup> it is obviously below <sup>Resp No.2</sup> him in the seniority list, the benefits of special pay has rightly been given to the respondent No.2. As such there appears to no illegality in the order ~~and the~~ application deserve to be dismissed and it is accordingly dismissed, but there is no order as to the costs.

(M.Y.PRIOLKAR)  
MEMBER (A)

(U.C.SRIVASTAVA)  
Vice-Chairman