

By Regd. Post

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Application No. 1589/86 (T)

Dated the 28 Oct, 86.

To

(O.S. 371/84 in C app submitted,
Belgaum)

1) Jagannath Rao S. Shahapurkar,
R/o plot No 30, C.TS No 4842/A
Sadashivanagar, Belgaum.


1) Union of India, The Secretary
Govt of India, Ministry of Finance,
Dept of Defence, South Block New Delhi-1
2) The Controller General of Defence Accounts
R.K. Puram, West Block New Delhi-28

3) The C.D.A. (O.Rs)
South, Teyyanampeth
Madurai - 600018

4) The Accounts Office
i/c P.A.O. (O.Rs)
The M.L.I. Comp Belga
Respts

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH
IN APPLICATION NO. 1589/86(T)

Please find enclosed herewith the copy of the Order/~~Interim Order~~
passed by this Tribunal in the above said Application on 1-10-86.


SECTION OFFICER
(Judicial)

Encl: As above.

Copy To.

1) Sri Jagannath Rao S. Shahapurkar
R/o plot No 30, C.TS No 4842/A
Sadashivanagar Belgaum.

Applicant

2) Sri M. Vasudevarao
Central Govt Standing
Counsel High Court Bldg.
Bangalore 560001

Respondent Advocate

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

5100

ORDER SHEET

Application No 1589 of 198 6(T)

Applicant

Respondent

Advocate for Applicant

Advocate for Respondent

| Date | Office Notes | Orders of Tribunal |
|-----------|--------------|--|
| 1.10.1986 | | <p>KSP(VC)/PS(M)</p> <p>This is a transferred application received from the Court of the Principal Munsiff, Belgaum. The case was called today but the applicant is not present even though notice has duly been served on him. Shri M. Vasudeva Rao, learned counsel appears for the respondents. The matter is, therefore, decided on merits in the absence of the applicant.</p> <p>The applicant retired on 1.8.82 as a Cashier in the Office of the Accounts Officer, MLI Camp, Belgaum. From 1.4.1981 to the date of his retirement he was working as Cashier. During this period he was being paid a special pay of Rs.40/- per month. His claim is that his special pay should have been increased to Rs.50/- from 1.4.1982 because the average monthly disbursement of cash during 1982-83 exceeded Rs.1 lakh. However, we find that, according to the rules governing the subject, special pay to be sanctioned for a particular financial year is linked to the average monthly disbursements of the immediately preceeding financial year and not of that year itself. The Controller of Defence Accounts raised the special pay for this post from Rs.40/- to Rs.50/- from the financial year 1983-84 because the average monthly disbursement during 1982-83 exceeded Rs.1 lakh. The period during which the applicant was a cashier and for which he claims sp higher special pay fell in financial year 1982-83 (1.4.1982 to 31.3.1983) and, therefore, which is regulated special pay admissible to him was to be regulated by the average monthly disbursement during the financial year 1981-82 and not 82-83</p> |

Date

Office Notes

Orders of Tribunal

Thus the applicant's claim that his special pay should have been regulated according to average monthly disbursements during 1982-83 itself is not sustainable. In view of this, the application is dismissed. No orders as to the costs.

[Signature]
Vice-Chairman 1.10.86

[Signature]
Member (A) 1.10.86

bsv

True copy

[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDL. CLERK
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

REVIEW APPLICATION NO. 12/86

Dated :

DEC 1986

In Application No. 1589 /86(T)

~~XXXXXX~~ (O.S. No. 371/84 in the Court of Munsiff,
Belgaum.

Applicant **Sri JS Shahapurkar**

Vs. Union of India, Min of Finance & Ors.
(Dept of Defence)

To

1. **Sri J.S. Shahapurkar,**
Plot No. 30, CTS No. 4842/A,
Sadashiv Nagar, Belgaum. (Applicant)
Vs.

2. **The Secretary,**
Ministry of Finance,
Govt. of India,
Department of Defence,
South Block, New Delhi-110001.

5. **The Accounts Officer I/C**
PAO (O.Rs), The M.I.I. Camp,
Belgaum - 590 009.

..(Respondents)

3. **The Controller General of**
Defence Accounts,
RK Puram, West Block,
New Delhi-110022.

4. **The C.D.A. (O.Rs.) South,**
Teynampeth, Madras-600018.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN REVIEW APPLICATION

~~XXXXXXXX~~ NO. 12/86 IN A NO. 1589/86(T)

Please find enclosed herewith the copy of the Order/~~XXXXXXXX~~
passed by this Tribunal in the above said Application on 12-11-86.

Encl : as above.

Copy to:-

1. **Sri M.S. Vasudeva Rao,**
Advocate (For Respondents)
Central Govt. Standing
Counsel.

~~XXXX~~



.....P.T.O.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

TODAY THE TWELFTH NOVEMBER, 1986

Present: Hon'ble Mr Justice K.S. Puttaswamy Vice Chairman
Hon'ble Mr P. Srinivasan Member(A)

REVIEW APPLICATION NO. 12/86
(Original application no. 1589/86)
(disposed of on 1.10.86)

Shriyut Jagannathrao Srinivasrao Shahapurkar,
age 60 years, Occ. Retired Govt. Servant
R/o Plot No. 30, CTS No. 4842/A Sadashiv Nagar,
Belgaum .. Applicant

Vs

1. Union of India, the Secretary,
Govt. of India, Ministry of Finance,
Department of Defence, South Block,
New Delhi-110 001.
2. The Controller General of Defence
Accounts, R.K. Puram, West Block
New Delhi-110 022.
3. The C.D.A.(O.Rs.) South, Teynyampeth,
Madras 600 018.
4. The Accounts Officer i/c PAO(O.Rs),
the M.L.I. Camp, Belgaum-590 009. .. Respondents
(Shri M. Vasudeva Rao ... Advocate)

This application has come up before Court today for
hearing. Member(A) made the following:

O R D E R

In this review application, the applicant wants us
to review our ex parte order dt. 1.10.86 in application
no. 1589/86. In that order, we had rejected the claim
of the applicant for an increased special pay as Cashier
of Rs. 50.00 per month with effect from 1.4.82 because
under the rules, special pay of Rs. 50.00 could have been
granted to him only if the average monthly disbursement
of cash in the immediately preceding year had exceeded
Rs. 1.00 lakh and that condition had not been fulfilled.



P. S. Srinivasan

...2/-

2. The applicant present in person wanted us to hear him on the merits of his original application and review our order after hearing him. We have heard him fully as also Shri M.Vasudeva Rao, learned counsel for the respondents who opposed the claim of the applicant.

3. We are unable to see any merit in the contentions of the applicant. His claim for special pay is founded on the order of the Director General Posts & Telegraphs dated 16.5.79 and if he is to be entitled to the increased special pay, the conditions set out in the order have to be strictly fulfilled. The said order regulating grant of special pay requires that the Head of Department should certify "on the basis of the previous financial year's average the amount of cash disbursed and sanction the rate of special pay appropriate to that quantum". This implies a clear condition that unless the monthly disbursement was over Rs. 1.00 lakh, in the immediately preceding financial year, the higher rate of special pay cannot be granted. In this case, the applicant's claim is for a higher special pay of Rs. 50.00 from 1.4.82, and the average monthly disbursement in the immediately preceding financial year was less than Rs. 1.00 lakh. Therefore, under the conditions of the very order on which he bases his claim for special pay, his claim has to fail.



P. L. V.

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4. In the result, the review application is rejected. No order as to costs.

Sd/

VICE CHAIRMAN

Sd/-

MEMBER (A)



- True Copy -

[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE