

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 18-12-87

APPLICATION NO 808 /87 (F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri K. Rangaswamy

The Secy, Health & Family Welfare Services
New Delhi & 2 Ors

To

1. Shri K. Rangaswamy
Investigator
National Tuberculosis Institute
No. 8, Bellary Road
Bangalore - 560 003

6. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

2. Shri M.R. Sahilendra
Advocate
No. 844 (Upstairs)
Vth Block, Rajajinagar
Bangalore - 560 010

3. The Secretary
Health & Family Welfare Services
Nirman Bhavan
New Delhi - 110 011

4. The Director General of Health Services
Govt. of India
Nirman Bhavan
New Delhi - 110 011

5. The Director
National Tuberculosis Institute
No. 8, Bellary Road
Bangalore - 560 003

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said application

on 11-12-87.

RECEIVED 6 copies 18/12/87

Diary No. 1544/CR/87

Date: 29.12.87 & 29.12.87

DEPUTY REGISTRAR
(JUDICIAL)

Encl: as above.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE.

Coram: Hon'ble Shri L.H.A. Rego, Member (A)

and

Hon'ble Shri Ch. Ramakrishna Rao, Member (J).

DATED THIS THE ELEVENTH DAY OF DECEMBER, 1987.

Application No. 808/87.

Between:

K. Rangaswamy,
Investigator,
National Tuberculosis Institute,
No.8, Bellary Road,
Bangalore.

...Applicant.

(Shri Shylendra Kumar, Advocate)

and

1. The Union of India,
rep. by its Secy.,
Health & Family Welfare Services,
Nirman Bhavan,
New Delhi.

2. The Director General of Health Services,
Govt. of India,
Nirman Bhavan,
New Delhi.

3. The Director,
N.T.I.,
No.8, Bellary Road,
Bangalore.

...Respondents.

(Shri M.S. Padmarajaiah, Sr. C.G.S.C.)

This application having come up for hearing today,

Hon'ble Member (J) made the following:


Ch

O R D E R

This application filed U/s 19 of the Administrative Tribunals Act, 1985, is an off-shoot of an earlier application (A.No. 1054/86), disposed of by a Division Bench of this Tribunal ^{of} consisting ~~one~~ of us (Shri Ch. Ramakrishna Rao).

2. The grievance of the applicant in the earlier application was that he was denied grant of field allowance and was, therefore, discriminated against others similarly situated in other organisations.

3. After considering the rival contentions, the following direction was given in A.No. 1054/86 on 10.11.1986:

"xxxxx We feel that ~~it~~ it is really for the respondents to consider the matter in depth and come to a conclusion after assessing the nature of duties performed by the applicant and others like him and not to reject the claim without any reason whatsoever. We, therefore, direct the respondents to consider the matter from all angles and to come to a decision in respect of the claim of the applicant and others similarly placed. This should be done within 3 months from the date of receipt of this order. If the applicant is aggrieved with the decision as and when it is given, he is free to agitate the matter in whatever manner he deems fit."

Pursuant to the above direction, the respondents have passed an order on 31.3.1987 recording their inability to grant the special pay or field allowance. Aggrieved by this order, the applicant has filed the present application.

4. Shri M.R. Shylendra ^{CLL} Kumar, learned counsel for the applicant, submits that the respondents have not given any reasons in the impugned memorandum for negating the demand of the applicant for grant of special pay or field allowance, as directed by this Tribunal in its earlier order, and the denial of the special pay is arbitrary.

5. Shri M.S. Padmarajaiah, learned counsel for the respondents, submits that the matter has been considered from all angles in consultation with the Department of Personnel & Training, Ministry of Finance, in detail. The reasons for denying the special pay to the applicant is contained in the notings in the relevant files and as such, the decision is not an arbitrary one.

6. We have considered the rival contentions carefully. In view of the submission made by Shri Padmarajaiah that the matter has been considered in depth by all the departments concerned, we direct the respondents to cull out the reasons from the relevant files and communicate the same to the applicant within a month, so that the direction earlier given would stand fully complied with. If the applicant is still aggrieved, he is at liberty to move this Tribunal for appropriate relief. Application is disposed of accordingly. Parties to bear their own costs.

Sd/-
MEMBER(J) 11-12-87

Sd/-
MEMBER(A) 11-12-87

- True copy -

[Signature]
DEPUTY REGISTRAR
18/12-1
BANGALORE