

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 28 DEC 1988

APPLICATION NO.

1754

/ 88(F)

W.P. NO.

Applicant(s)

Shri C.D. Pandit

To

Respondent(s)

V/s The Accountant General (A&E), Karnataka,  
Bangalore & another

1. Shri C.D. Pandit  
9/2, Aga Abbas Ali Road  
Bangalore - 560 042
2. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009
3. The Accountant General  
(Accounts & Entitlements)  
Karnataka  
Bangalore - 560 001
4. The Comptroller & Auditor General of India  
No. 10, Bahadur Shah Zafar Marg  
New Delhi - 110 002
5. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

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(s) on 14-12-88.

Encl : As above

SECTION OFFICER  
~~RECEIVED~~  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE 14TH DAY OF DECEMBER, 1988

PRESENT: HON'BLE SHRI P. SRINIVASAN

.... MEMBER (A)

APPLICATION NO. 1754/1988

1. Sri C.D. Pandit,  
Aged 59 years,  
S/o C.P. Rao,  
9/2, Aga Abbas Ali Road,  
BANGALORE - 560 042.

APPLICANT

(Dr. M.S. Nagaraja....Advocate)

Vs.

1. The Accountant General (Accounts & Entitlements) Karnataka,  
BANGALORE - 560 001.
2. The Comptroller and Auditor,  
General of India,  
No. 10, Bhadur Shah Zafar Marg,  
NEW DELHI - 110 002.

RESPONDENTS

(Shri M. Vasudev Rao.... Advocate)

This application having come up for hearing before this Tribunal to-day, Hon'ble Shri P. Srinivasan, Member (A), made the following :-

O R D E R

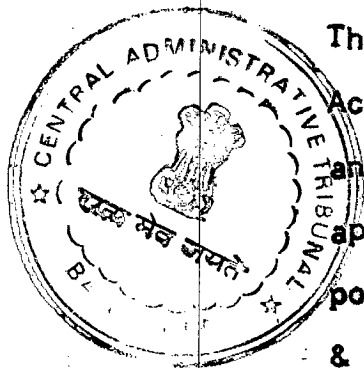
The applicant who was an Officer of the Indian Audit and Accounts Service till he retired on superannuation with effect from 30-4-1987 is aggrieved that when he held the post of Deputy Accountant General (Administration & Accounts) at Karnataka, he should have been given a special pay of Rs 100/-;



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but that was denied to him.

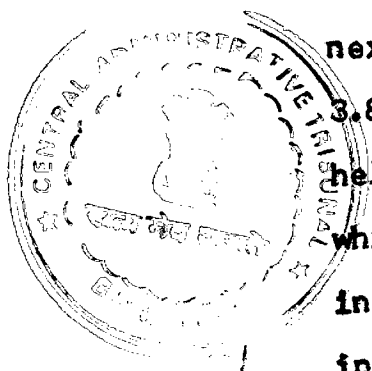
2. Dr. M. S. Nagaraja, learned counsel for the applicant submitted that the applicant was on Officer of the IA & AS in the senior scale of Rs 1100-1600 when he was posted as Deputy Accountant General (Administration & Accounts) with effect from 6-2-1986. The post of Deputy Accountant General (Administration & Accounts) involved duties of arduous nature which other officers in the Senior scale were not required to perform. In recognition of this, the Accountant General, Karnataka had in various letters addressed by him to the Comptroller and Auditor General recommended that the post of Deputy Accountant General (Admn. & Accounts) be notified as a post carrying special pay if a senior scale officer is appointed thereto. An assessment was made of all posts of senior Deputy Accountants General & Deputy Accountants General in the country by the an expert committee to determine as to which post should carry a special pay if held by an officer in the senior scale because of the arduous nature of duties involved in that post. The committee finalised a list of posts of Deputy Accountants General which involved arduous duties and in which an officer of the senior scale when appointed should be allowed special pay. One such post was that of Deputy Accountant General (Admn. & Accounts), Bangalore, the same post which was held by the applicant. This post along with other post<sup>s</sup> was notified with effect from 3.8.1987 and thereafter



P. S. Nagaraja

special pay is being given to the incumbent of that post who is an officer in the senior scale of the IA and AS. Dr. Nagaraja submits that for the same post it was unfair not to allow special pay prior to 3.8.1987 and allow the same after that date. Both before and after that date the post carried the same duties.

3. Shri M. Vasudev Rao, learned counsel for the respondents along with Smt. K.Ganga, Deputy Accountant General appeared on behalf of the respondents. They submitted that the grant of special pay for a person holding a post is dependent upon an assessment of the post by the authorities concerned and their declaration that special pay should be attached to that post if held by a senior scale officer. Till such an assessment is made and the post is notified for the purpose, the holder of the post cannot be automatically allowed special pay. An assessment was made in 1984 to notify posts in which special pay should be allowed for officers in the senior scale. The post held by the applicant was not one of the posts identified for the purpose at that time. The next assessment was made in 1987 and announced on 3.8.1987. In that assessment, no doubt the post held by the applicant was notified as one in which special pay should be allowed for an officer in the senior scale. Special pay could be allowed in the post only after the date of such announcement



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but not before. Unfortunately, when the applicant held the post it was not notified as one entitled to special pay. Shri Rao, therefore, submitted that the claim of the applicant should be rejected as devoid of merit.

4. I have considered the matter carefully.

The basis on which the applicant claims special pay is that the post which he held involved duties of arduous nature which are not normally performed by an officer of the senior scale. In support of the contention that the post held by the applicant did involve arduous duties, Dr. Nagaraja cited 3 letters addressed by the A.G, Karnataka to the C&AG, dated 8.1.1986, 11.2.1986 and 29.4.1986, in all of which he had recommended that special pay be granted to the holder of the post of Deputy Accountant General (Admn. &Accounts). Though this is not conclusive, Dr. Nagaraja submitted, the C & AG himself had eventually agreed that the post deserves special pay when held by an officer of the senior scale and his decision was announced on 3.8.1987. It would be indeed incongruous to say that the post involving the same duties entailed responsibilities of an arduous, nature after a certain date and not before that date. Once it is conceded that the duties of this post are arduous and it is also conceded that there has been no change in the nature of duties, then no distinction can be made for the grant of special pay based on the period during which the post was held by a particular



P. S. V.

incumbent. I am, therefore, satisfied, on the evidence produced, that the post held by the applicant between 6-2-1986 and 30-4-1987 did involve duties of an arduous nature in terms of FR 9. 25(a) and that the applicant is entitled to special pay for that period.

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5. In the light of the above the respondents are directed to grant special pay to the applicant at the appropriate rate for the period 6-2-1986 to 30-4-1987 when he held the post of Deputy Accountant General (Admn. & Accounts). The applicant will also be entitled to all consequential benefits flowing therefrom like terminal benefits on retirement.

6. The application is disposed of in the above terms. But in the circumstances of the case, I direct the parties to bear their own costs.



sd/-  
MEMBER (A) 14/11/88

sb.

TRUE COPY

*P. Chy 28/12/88*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE