

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 10 OCT 1988

APPLICATION NO.

184

/88(F)

W.P. NO.

Applicant(s)

Shri G.V. Rao
To

1. Shri G.V. Rao
'Alakananda'
No. 261/B, II Block, Jayanagar
Bangalore - 560 011
2. Shri M. Narayanaswamy
Advocate
844 (Upstairs)
V Block, Rajajinagar
Bangalore - 560 010
3. The Secretary
Ministry of Home Affairs
North Block
New Delhi - 110 001
4. The Chief Secretary
Govt. of Karnataka
Vidhana Soudha
Bangalore - 560 001

Respondent(s)

V/s The Secretary, M/o Home Affairs, New Delhi & 2 Ors

5. The Accountant General
Karnataka
Bangalore - 560 001
6. Shri M.S. Padarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001
7. Shri S.M. Babu
State Govt. Advocate
C/o Advocate General's Office (KAT Unit)
Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038
8. Shri M. Vasudeva Rao
Addl 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 29-9-88.

*Received
K. N. Rao
11-10-88*

Joe
SECTION OFFICER
DEPARTMENT OF EXCISE
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL:BANGALORE

DATED THIS THE 29TH DAY OF SEPTEMBER,1988

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy, .. Vice-Chairman.

And:

Hon'ble Mr.L.H.A.Rego, .. Member(A).

APPLICATION NUMBER 184 OF 1988

G.V.Rao,
S/o A.Gopala Rao,
Aged 63 years,
Alakananda,
No.261/B, II Block, Jayanagar,
Bangalore - 560 011. .. Applicant.

(By Sri M.Narayana Swamy,Advocate)

v.

1. The Government of India
represented by its Secretary,
Ministry of Home Affairs,,
New Delhi.
3. The State of Karnataka
represented by its Chief Secretary
to Government of Karnataka,
Vidhana Soudha, Bangalore.
3. The Accountant General
in Karnataka,Bangalore. .. Respondents.

(By Sriyuths M.S.Padmarajaiah, S.M.Babu and M.Vasudeva Rao
for Respondents 1 to 3 respectively)

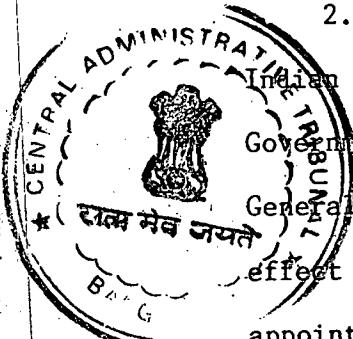
This application having come up for hearing this day, Hon'ble
Vice-Chairman made the following:

O R D E R

This is an application made by the applicant under Section 19
of the Administrative Tribunals Act,1985 ('the Act').

2. Sri G.V.Rao, the applicant before us was a member of the Indian Police Service borne on the Karnataka cadre. On 28-6-1980

Government of Karnataka ('GOK') promoted him as Special Inspector General of Police (Training and CID), Bangalore ('Special IG') with effect from 30-6-1980. On 15-12-1981 the GOK further promoted and appointed the applicant as Director General of Police, Karnataka ('DG') until further orders in which capacity he continued to work



till he retired from service on 31-10-1982 on attaining superannuation.

3. On the basis of the aforesaid orders, the applicant was allowed to draw a sum of Rs.250-00 per month as special allowance on a provisional basis from 21-6-1982 which he drew till 31-10-1982. On an examination of the admissibility or otherwise of this special allowance, Government of India ('GOI') as the cadre controlling authority, taking the view that the payment of special allowance of ^{de her mercem} Rs.250/- was not authorised had directed the recovery of the same from the applicant. In pursuance of those directions and orders, a sum of Rs.2,629-04 has already been recovered from the applicant. On these recoveries, the applicant made more than one representation to GOI which did not accede to his request. Hence, this application.

4. Sri M.Narayanaswamy, learned counsel for the applicant strenuously contends that the special allowance of Rs.250-00 had been rightly allowed to be drawn by his client who had concurrently performed the duties of the Special IG and the DG for the relevant period and the recovery of the same was clearly unauthorised and illegal. In support of his contention Sri Narayanaswamy strongly relies on a Division Bench ruling of the Andhra ^{and} Prede^{sh} High Court in UNION OF INDIA v. T.RAMAIAH AND OTHERS [1982 (2) SLR 442].

5. Sriyuths M.S.Padmarajaiah, S.M.Babu and M.Vasudeva Rao, learned counsel for respondents 1 to 3 respectively sought to justify the orders made against the applicant and the recoveries effected from him.

6. On an indepth examination of the claim, Government of India had found that the payment of Rs.250-00 per month as special allowance to the applicant when he functioned as Special IG and DG was not authorised by the Indian Police Service (Pay) Rules,1954 ('the Rules') and orders regulating the same.

7. We have carefully examined the Rules. We find from those Rules that the payment of special allowance of Rs.250-00 was not



one of the admissible payments. Every payment to a member of the Indian Police Service must be authorised by the Rules. When the payment of special allowance that too allowed on a provisional basis which was subject to further examination was found to be unauthorised, then the recovery of the same would be authorised and legal. On this view, the recoveries cannot be characterised as illegal.

8. In Ramaiah's case, the Court was considering the effect of selections made by an officer who held the post of Director General who had not been formally appointed as an Inspector General of Police.

But, that is not the position in the present case. Hence, the ratio in Ramaiah's case does not bear on the point.

9. As we find that the payments made were unauthorised and the recoveries effected are in accordance with law, there is no justification for us to interfere with the orders made by Government and the recoveries effected from the applicant.

10. In the light of our above discussion this application is liable to be dismissed. We, therefore, dismiss this application.



Sd/-
VICE-CHAIRMAN.

29/9/88

Sd/-
MEMBER(A)
29.9.88

TRUE COPY


SECTION OFFICER 10/10
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

B-193

dy-no. 190/7.2/92

15.6.

Recd. by post
15/6

Sri Rao

SECTION IV-A

D.NO. 137/90/Sec-IVA

SUPREME COURT
NEW DELHI.

DATED 9-6-92

From:

The Additional Registrar,
Supreme Court of India,
New Delhi.

To: The Registrar
Central Administrative Tribunal,
Bangalore.

PETITION(S) FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO(S). 15798 OF 1992
(Petition under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the judgment
and Order dated 29-9-1988 of the ~~High~~^{Central} Central
Administrative Tribunal, Bangalore, IN Application No.184 of 1988.)

G.V.Rao

-Versus-

...Petitioner(s)

The State of Karnataka & Ors.

...Respondent(s)

Sir,

I am to inform you that the petition above-mentioned for
Special Leave to Appeal to this Court was filed on behalf of the
petitioner above-named from the judgment and Order of the ~~High~~^{Central} Central
Administrative Tribunal,
~~Court~~ noted above and that the same was/were dismissed by this
Court on the 30th day of September, 1991.

Yours faithfully

Q. In
FOR ADDITIONAL REGISTRAR

Joshi/