

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

CAMP : NAGPUR

OA.NO. 602/90

Shri Ramlal Mahadeo Solanke

... Applicant

V/S.

Telecom District Engineer Akola & Anr.

... Respondents

CORAM : Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri M.R.Kolhatkar

Appearance

None for the applicant

Shri R.P.Darda
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 20.4.1994

(PER: M.S.Deshpande, Vice Chairman)

By this application the applicant challenges the order dated 1.8.1990 by which the operation of the earlier order dated 7.7.1990 enabling him to draw special allowance of Rs.35/- was changed to his detriment by denying him special allowance and arrears from 1.4.1989 to 10.7.1990.

2. The applicant was absent when his case was called out for hearing and we heard Shri Darda, learned counsel for the respondents.

3. The applicant was promoted as Telephone Supervisor w.e.f. 28.2.1981 and was posted in Ahmednagar District. 10% posts of Telephone Supervisors in the scale of Rs.1400-2300 carry special allowance of Rs.35/- and this was paid to those who were entrusted with supervisory duties and the applicant had been drawing this amount from 3.5.1985. Shri Rokade, Telecom District Engineer by his order dated April, 1989 deprived the applicant of Supervisory Allowance by transferring him to the post of Telephone Supervisor (Operative) which did

not carry the supervisory allowance and granted that allowance to one Boparikar w.e.f. 1.4.1989. The applicant's grievance is that ^{he was reverted} without giving him an opportunity before intended reversion and he therefore seeks the aforesaid relief. It appears that the applicant was promoted at Ahmednagar Engineering Division to the cadre of 20% Telephone Supervisors by the competent DPC in January, 1981 and was posted as a 20% telephone supervisor in Ahmednagar Engineering Division. Amongst the 20% supervisors posts the senior officials were asked to hold 10% supervisory posts in the division. However, if sufficient 20% supervisors were not available in any other division, and if volunteers were not available from other divisions to take the posts, the junior-most amongst 20% supervisors from adjacent divisions ^{could} ~~can~~ be transferred and posted to officiate as 10% supervisory Telephone supervisors as per order dated 17.12.1976. By about 1981, ~~the~~ Ahmednagar was a new division and hence sufficient 20% supervisors were not available in 1981 to take up the supervisory posts there, and the applicant was therefore transferred and posted to Ahmednagar division with the purpose of posting him as 10% supervisory TS as he was one of the junior-most TOs to be promoted to 20% TS cadre. The applicant sought a transfer to Akola Division and came to be posted at Chikkali. Though he was initially granted supervisory allowance, Boparikar who was senior to him came to be posted there and given the supervisory allowance. Since the applicant could not have got the amount while Boparikar, who was senior, was working in the same division, the impugned order came to be passed by transferring the applicant to the operational side and this did not amount to reversion.

4. It is clear to us that the posts were transferable and ^{only - 160} ~~for this~~ senior in a particular section could have got the special allowance. It was by virtue of ^{the} accident ^{could not} ~~that~~ ^{at} the applicant being junior that it ~~cannot~~ be granted to him and it cannot be treated as reversion as giving allowance to the applicant was based on incorrect ^{premises} ~~incentive~~ ^{and} ~~which~~ was open to the department to correct their mistake.

5. In the result, we see no merit in the application, it is dismissed.

(M.R.KOLHATKAR)
MEMBER (A)

(M.S.DESHPANDE)
VICE CHAIRMAN

mrj..