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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
(CAMP: NAGPUR)

Original Application No: 510/92

Transfar Application No:

DATE OF DECISION: 13.12.1994

V.S. Yawalkar

Petitioner

Advocate for the Petitioners

Versus

U.O.I. & Ors.

Respondent

Mr. P.S. Lambat

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri M.R. Kolhatkar, Member (A)

1. To be referred to the Reporter or not ? *NO*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *NO*

[Signature]
V.C.

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A. No. 510/92

Vasant Shankar Yawalkar

..Applicant

V/s.

Union of India & Ors.

..Respondents

Coram : Hon.Shri Justice M.S.Deshpande, V.C.
Hon.Shri M.R. Kolhatkar, Member (A)

Appearance:

Applicant present in person

Mr. P.S. Lambat
counsel for the respondents

ORAL JUDGMENT: DATED: 13.12.94
(Per: M.S. Deshpande, Vice Chairman)

By this petition under Article 226 of the Constitution of India the applicant challenges the order passed by the ^{Labour} lower court disposing the applicant's application u/s. 33-C(2) of the Industrial Disputes Act, 1947 claiming additional allowance for holding dual charge while he was working as Law Assistant.

2. The applicant was originally working as Head Clerk in the Disciplinary Cell in the grade Rs.425-700RS) from 15.8.1983. On 14.3.85 the post of Law Assistant was created and the applicant was asked to officiate as Law Assistant from 14.3.1985. He worked in that post till his voluntary retirement on 15.7.1987. According to the applicant since he was holding the dual charge he was entitled to the additional allowance at 10% of his pay for this period amounting to Rs. 4207.75 and he had approached the Labour Court for a direction to the respondents to make the payment.

3. The respondents denied that the applicant

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was holding ~~dean~~^{dual} charge. According to them the applicant was asked to do the work of Law Assistant and he was in charge of D.A.R. cell as well as Court Section. The contentions of the applicant did not find favour with the Labour Court which dismissed the application. The applicant has raised similar contentions before us. The order appointing the applicant as Law Assistant states that he is temporarily put to officiate in the grade Rs.550-750 as Law Assistant posted in DAR and Court Section, D.R.M.'s office against the newly created post. The contention of the applicant is that these two sections were different and that he was holding the dual charge. This contention, however, is not borne out by the wording of the order dated 14.3.1985 to which we have referred to above.

4. We agree with the Labour Court finding that the applicant while working as Office Assistant officiated as Law Assistant and that there is no question of his holding dual charge. In any case the finding of the Labour Court is one on facts and there is nothing to show that the finding was not supported by any evidence or was perverse. No interference is, therefore, called for. The O.A. is dismissed. No order as to costs.

M.R. Kolhatkar
 (M.R. Kolhatkar)
 Member(A)

M.S. Deshpande
 (M.S. Deshpande)
 Vice Chairman