

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 865/98

Date of Decision: 12.7.1999

Shri Namdeo Sitaramji Shende

Applicant,

Shri S.P. Kulkarni,

Advocate for
Applicant.

Versus

Union of India and others.

Respondent(s)

Shri V.S. Masurkar,

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S. Baweja, Member (A)

- (1) To be referred to the Reporter or not? u
- (2) Whether it needs to be circulated to u other Benches of the Tribunal?

R.G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PREScot ROAD, MUMBAI:1

Original Application No. 865/98

Monday the 12th day of July 1999

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri D.S. Baweja, Member (A)

Namdeo Sitaramji Shende
Residing at
Mangaon,
Near Post Office
At P.O. Mangaon,
Tal. Mahad.
Dist. Raigad.

... Applicant.

By Advocate Shri S.P.Kulkarni.

V/s.

Union of India through
Chief Postmaster General
Maharashtra Circle,
Old CGO Bldg.
2nd floor, Fort
P.O. Mumbai.

Postmaster General (M/M)
Mumbai Region
Officer of the Chief Postmaster
General, Maharashtra Circle
Old G.P.O. Bldg, 2nd floor
Fort, Mumbai.

Superintendent of Post Offices,
Raigad Division
at P.O. Alibaug
Alibaug.

Director General (Posts)
Department of Posts,
Ministry of Communication
Government of India,
Dak Bhavan, Parliament Street
At P.O. New Delhi.

... Respondents.

By Advocate Shri V.S. Masurkar.

...2...

by

O R D E R (ORAL)

(Per Shri Justice R.G.Vaidyanatha, Vice Chairman)

In this application the applicant is seeking additional remuneration for additional work given to him by the administration. The respondents have filed reply opposing the application. Since the point involved is ^a short point we are disposing of the O.A. at the admission stage after hearing both counsels.

2. The applicant was working as Sub-divisional Inspector (Postal) at Mahad at the relevant time. By order dated 29.2.1996, Shri B.P. Sutar was granted leave. Then the applicant was directed to relieve Shri B.P. Sutar with immediate effect. The applicant took charge of that post on 1.3.1996. It is also admitted fact that the applicant continued in additional charge of S.D.I.(postal) from 1.3.1996 till 23.11.1998 in addition to his charge of present post namely SDI(Postal) at Mahad. The applicant made representation seeking charge allowance for this period from the administration, which came to be rejected by endorsement dated 13.5.1998 which is at page 14 of the paper book. Being aggrieved by the order of administration in rejecting the application ^{he} for charge allowance, has approached this Tribunal. According to the applicant he has carried out his duty as SDI Mahad in addition to the said duty he has worked as SDI Mangaon. Therefore he is entitled to charge allowance as provided under FR 49(iv).

Shri R.G.Vaidyanatha, Vice Chairman

He has also given the details of work done in the post of additional charge of SDI Mangaon.

3. The respondents in their reply have taken a stand that since the applicant was placed in additional charge of the post of same grade and cadre he was holding, he is not entitled to charge allowance under FR 49. The respondents have justified the action taken by the administration in rejecting the claim of the applicant. In the impugned order the respondents have taken the position that the applicant is not entitled to any allowance or remuneration under FR 49.

4. After hearing the learned counsel for both sides, we find that the claim is squarely covered by FR 49(iii). The respondent's contention is that the claim is covered by FR 49(ii) and the applicant cannot get the allowance since the two posts namely original post and additional charge are identical. In our view FR 49(ii) will not apply since it provides additional charge of two posts in the same office, but here admittedly the additional charge was at a different place. The applicant's original post in Mahad and post of additional charge is at Mangaon, to such situation FR 49(iii) clearly is attracted which clearly provides that if an officer is placed in additional charge of post not in the same office or in the same office but in higher grade then the officer is entitled to remuneration of

10% of presumptive pay of additional post. The learned counsel for the respondents invited our attention to FR IV to which the applicant is entitled to. It does not mention the condition under which remuneration can be claimed, but it only provides ceiling limit of charge allowance.

5. In the casts and circumstances of the case FR 49(iii) is attracted and the fact that the applicant carried out additional duties in the post of additional charge is not disputed. Even the order at page 25 clearly shows that the applicant was asked to take additional charge of SDI, Mangaon. Therefore the administration knows the implication of posting an official on additional charge at a different place. Then the applicant has given some of the details of work done by him in the additional charge which are at pages 34 to 39. The respondents have not disputed this. On the other hand in para 8 of the reply it is stated that particulars given are substantially correct. Hence there is no difficulty to hold that the applicant has done extra or additional work in the post of additional charge in addition to his own work. In such a situation FR 49(iii) is clearly attracted.

6. We are also fortified in our view by two decisions which have been relied by the learned counsel for the applicant.

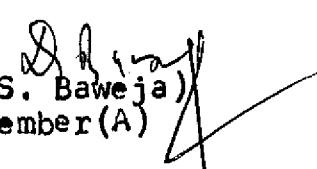
In C.Rajendran and Anr. v/s. Union of India and others of Ernakulam Bench of this Tribunal reported in 1996(2)ATJ 174 which is at page 58 of the

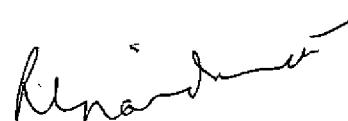
paper book. The Tribunal held that when an officer is placed ~~in~~ additional charge of another post at a different place he is entitled to claim additional remuneration of 10% of the presumptive pay under FR 49(iii).

Then we have reported decision of Principle Bench of this Tribunal in the case of H.S. Bhatia V/s. Union of India and others. 1995(1)ATJ 500 wherein the Tribunal observed that when an official is placed ~~in~~ additional charge under FR 49(iii) the officer is entitled to the benefit of claiming additional remuneration.

The above two decisions is clearly supports the view taken by us.

7. In the result the O.A. is allowed. It is made clear that the applicant is entitled to charge allowance of 10% presumptive pay of the post of SDI Mangaon for the period from 1.3.1996 to 23.11.1998. The respondents are directed to make calculation and make the payment to the applicant within three months from the date of receipt of this order. No order as to costs.


(D.S. Baweja)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman