

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO. 669 /1997

NARENDRA GUPTA & OTHERS

... APPLICANTS

v/s.

UNION OF INDIA & OTHERS

... RESPONDENTS

I N D E X

SL.NO.	PARTICULARS OF DOCUMENTS	EXH.NO.	PAGE NO.
1.	Original Application		1 to 20
2.	Copy of judgment of C.A.T., Bombay in O.A. No. 226/1995.	A-1	21 to 28
3.	Copy of letter dated issued by Respondent No. 1.	A-2	29 to 30
4.	O.M. dated 13-09-1985	A-3	31 to 32
5.	Copy of letter dated 15-10-1985	A-4	33
6.	O.M. dated 07-02-1986	A-5	34 to 38
7.	O.M. dated 17-04-1986	A-6	39 to 40
8.	Letter dated 16/21-10-1986	A-7	41
9.	O.M. dated 31-03-1987	A-8	42 to 48
10.	Letter dated 08-12-1989	A-9	49 to 50
11.	Letter dated 23-08-1991 sent to Director General R & D, by the Respondent No. 3.	A-10	51 to 54

... 2.

BOMBAY

5/90

8/10/98-28

Shri S. P. Saserva for Applicant.

Shri R. R. Shetty for

Shri R. K. Shetty for Respondent

Nos. 1 and 2.

Shri V. S. Masurkar for
Respondent Nos. 3 and 4.

Both counsels for
respondents wants time
for reply.

Adjourned to 19/11/98.

Reply of Respondent ^{NO 3&4} _{Secd}
on 17.11.98

MS

^{for}
(R. G. Vaidyanatha)
Adv. V. C.

Dated: 19.11.98 (16)

Shri S. P. Saserva, counsel for
the applicant - Shri R. K. Shetty
counsel for respondent No 1 and 2.
Shri V. S. Masurkar counsel for
respondent No 3 and 4.

Shri Shetty seeks and is
allowed further three weeks
time to file reply.

list the case for
admission on 14.1.1999.

D. B. B.
(D. S. Banerjea)
M/18

DB

①

Per Tribunal

Fixed for A.H.
with M.P. NO
362/98 for
Joint Petition
on 25.6.98

MD
22.6
for D.R. Registrar

Dated: 25/6/98 (38)

Heard Sh. S.P. Saxena for the
applicant. M.P. 362/98 is
allowed permitting the applicants
to file joint petition.

Notice for admission on
O.A. by 13/8/98.

Notices issued to
Applicant/Respondents of
8/7/98

9/7

fr
(R.G. Vaidyanatha)
VLC.

B
=

13/8/98-19

Ms. Neelima appeared for Shri S.P. Saxena
for Applicant. Shri V.S. Masurkar
appears for Respondent No. 4 and
waits time for reply
Await notice of respondent
Nos 1 to 3 and reply of
R-4.

Adjourned to 8/10/98

fr
(R.G. Vaidyanatha)

Dated: 14.1.1999 (17)

Shri S. P. Sasena, Counsel for the applicant. Shri R. A. Shetty for Shri R. K. Shetty, Counsel for the respondents.

On the request of Counsel for the applicant adjourned to.
18.2.1999.

for
(R. G. Vaidyanatha)
V.C.

th
Reply of Respondent No. 2
dated on 15/1/99

18/2/99-21

Reply of Respondent No. 2
dated on 15/1/99

for

Both Counsel heard.
Place the matter before
Division Bench on
22/2/99 for admission.

for
alp. (R.G.Vaidyanatha)
V.C.

22/2/99-22

Heard Shri S. P. Sasena for
Applicant. Shri R. K. Shetty
for Respondent Nos. 1 and 2.
Shri V. S. Masurkar for
Respondent Nos. 3 and 4.

OA is admitted

Since pleadings are

Complete the OA
be kept in line
the list and be
heard alongwith
Connected matters
OA-1238/96 and
669/97.

2/6/2

Dharm ^(by)
(D.S. Bawej) (R.G. Vaidyanatha)
M(A) V.C.

M.P./No: 353/2000
for fix the matter
with another of
fixed on 2.6.2000
(urgent circulation)

abp.

(8) OA/499/1998 Dated 2.6.2000
MP/353/2000

Learned Counsel Shri Saxena is present
for the Applicant and presses M.P.
No.353/2000. We have also heard Learned
Counsel Shri Rayi Shetty and Shri
V.S.Masurkar for Respondents.

While Learned Counsels for Respondents
per se have no objection in allowing the
M.P. the date asked for is very close.
In fact, Shri Masurkar has also stated
that no copy of the M.P. has been made
although Shri Saxena states that it is
served. Be that as it may, there is some
justification in the point that time
available is very short since the other
two OAs. viz. O.A. No. 1238/96 and O.A.
No.669/97 have already been fixed for
hearing ^{on 7.6.2000} we hereby order that this O.A.
may be heard along with other two OAs and
post this for 7.6.2000. However, we note
that the time available being short, in
case the learned Counsel for the
Respondents are not ready on that day the
request for adjournment if any, made by
them may be considered liberally.

All these 3 OAs should be kept before one
and the same Bench.

S.L.Jain
(S.L.Jain)
Member (J)

SJ*

B.N.Bahadur
(B.N.Bahadur)
Member (A)

Per Tribunal Date: 28/11/2000
Applicant in Person/by Shri S.P. Sascena
Advocate/Respondent by Shri R.K. Shetty
Council.....
The matter adjourned to 16/01/2001
For ...
M.M.

Dy. Registrar

Per Tribunal Date: 16/11
Applicant in Person/by Name
Advocate/Respondent by Shri R.K. Shetty
Council.....
The matter adjourned to 14/03/2001
For ...
M.M.

Dy. Registrar

Dated: 14.3.2001 (34)

Applicant by Shri S.P. Sascena.
Respondents by Shri R.K. Shetty

On the request of Counsel
for the respondents adjourned
to 18-4-2001.

M.M.

S. J.
(Ms. Shanta Shetty)
M(A)

S. J.
(S.L. Jain)
M(J)

Recd. Sur- Rejoinder
from Respondents on
11/4/2001, w/o leave
of Hon'ble Tribunal,
it can't be taken
on Record, hence
Kept in 'C' folder.

Q.P.
1814

Dated: 7-6-2000 (22)

Shri. S. P. Sascena, Counsel for the applicant. Shri R. R. Shetty for Shri R. K. Shetty Counsel for respondent No 1 and 2. Shri V. S. Masurkar Counsel for respondent No 3 and 4.

At the request of Counsel for the respondents adjourned to 29-8-2000


(Rafiquddin)
M(J)


L. Hminglana
M(A)

Dated: 29-8-2000.

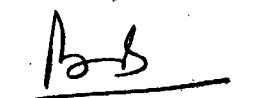
Applicant in person/by Advocate.

Respondents by Advocate.

On request of Applicant/Respondent(s)/

Otherwise to....20-9-2000.


Smt MEMBER (J)


B.M. M. (J)

20/9/00

Per Tribunal

Date

Applicant in Person/by S P Sascena
Advocate/Respondent by R K Shetty R 1-2
Council. P. v. S. V. S. R 3-4

The matter adjourned to 28-11-00

For day.....


Mr. Registrar

(46)

Per Tribunal

17/8/01

Date:

Applicant in Person/by S.P. Saxena

R.K. Shetty

Advocate/Respondent by V.S. Manohar

Council.....

The matter adjourned to

For 31/8/01

Dy. Registrar

Per Tribunal

Date:

Applicant in Person/by

Advocate/Respondent by

Council.....

The matter adjourned to

For 31/8/01

Dy. Registrar

31.8.01

Shri S.P. Saxena for
applicant.

Shri R.K. Shetty for
respondents.

Case is adjourned for
hearing/orders to 26.9.2001.

S.L. Jain
M.J.

B.B.
(B.N. Bahadur)
M.A.

22

Per Tribunal

Date: 26/9/01

Applicant in Person/by

Babu

Advocate/Respondent by

Council.....

The matter adjourned to

For 31/10/01

Dy. Registrar

14) Dt. 19.4.2001.

Heard Learned Counsel on both sides.

The Counsel for the Respondents Shri R.R.Shetty for Shri R.K. Shetty seeks time.

The case is adjourned to 30.4.2001, as a part heard matter.

S.O. to 30.4.2001.

J.S.
(S.L.JAIN)
M(J)

B.S.
(B.N.BAHADUR)
M(A)

B.

As per no
application
is made on 30.4.2001
action taken
11/6/2001

R
As per application
is made on 30.4.2001
is made on 11/6/2001
action taken 11/7/2001

18) OA 499/99
Dt. 11.7.2001.

Heard Ld. Counsels S/Shri S.P.Saxena, R.K.Shetty and V.S.Masurkar for Applicant, Respondents No.1 & 2 and Respondents No.3 & 4 respectively.

Shri R.K. Shetty, Ld. Counsel, states that certain important documents which are relevant to the case have been brought to his knowledge and he would like to bring it on record. Therefore, an M.P. will need to be filed for this purpose as per usual procedure.

M.P. shall be filed by 10.8.2001 with a copy to the other side.

The case be listed for consideration of M.P. on 17.8.2001. In view of the peculiar position, there is no need to keep the matter in the part-heard list. The case is, therefore, released from part-heard.

List on 17.8.2001.

J.S.
(S.L.JAIN)
M(J)

B.S.
(B.N.BAHADUR)
M(A)

B.

673/01
for taking documents a
second time a
17.8.01

16/8

410/01
Per Tribunal Date 1
Substituted application in person by S.P. Saxena
representing the Advocate / Respondent by R.K. Shetty
and the Counsel. None over
the matter adjourned to 15/10/2001
for

Dy. Registrar

Per Tribunal Date 1 15/10/01

Applicant in person by (None)
Advocate / Respondent by (None)
Counsel. None over
The matter adjourned to 21/11/01
for

Dy. Registrar

⑤ 21/11/01

Applicant by Sri S.P. Saxena.
Sri R.K. Shetty for R 1-2.
Sri V.S. Masurkar for R 3-4.
MP 673/01 heard and allowed.
All the three counsels heard
and arguments concluded

ORDER RESERVED

L. F.

REB/1

21/11 (Smt. Shanti Shastri) (S. L. Jain)
MCA H (J)

Date: 2012/2027

Appointment by John

P- incident by K. L. Velvet Fox Masukay

1. વાર્ષિક વિસ્તૃત

S: and Pronounced on 20/12/2011

1. *Leone*

20 Has the Sheriff - S. Chester

11, May 1913

Court Officers

24

Laudia F. 25

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO. 669/97 & 499/98

THIS THE 20TH DAY OF DECEMBER, 2001

CORAM: SHRI S.L. JAIN:
SMT. SHANTA SHAstry

MEMBER (J)
MEMBER (A)

O.A. NO. 669/97

1. Narendra Gupta, Scientist "F"
2. J.B. Bhalerao, Scientist "F"
3. C. Ramakrishna, Scientist "E"
4. K.P.M. Bhat, Scientist "E"
5. A.K. Dixit, Scientist "E"
6. V.B. Bavare, Scientist "F"
7. S.B. Phadke, Scientist "E"
8. Mrs. S.C. Joshi Scientist "D"
9. D.C. Ray, Scientist "B"
10. Prof. G.C. Pant Scientist "F"
11. V.Ramandujachari Scientist "E"
12. Dr. Sahab Prasad Scientist "D"
13. Prof. M.D. Kulkarni Scientist "F"
14. Dr. R.C. Tripathi Scientist "E"
15. A.W. Chaudhara, Scientist "D"
16. Dr. (Mrs.) S.D. Naik Scientist "C"
17. S.V. Lokre, Scientists "E"
18. Dr. S.Y. Bhave Scientist "F"
19. R.D. Misal Scientist "C"
20. B.N. Ganesh Scientist "C"
21. S.S. Gupta Scientist "B"
22. Tilak Singh Scientist "C"
23. Amit Sepale Scientist "C"
24. Badri Prasad patil Scientist "B"
25. Dr. V.N. Saxena Scientist "F"
26. C.R.R. Nair Scientist "F"
27. S.K. Nayak Scientist "B"
28. Dr. M.S. Lokuatu Scientist "F"
29. S.S. Hardas Scientist "C"
30. G.S. Mani, Scientist "C" . . . Applicants

All are presently working in the office of the Institute of Armaments and Technology, Girinagar, Pune-411 025.

By Advocate Shri S.P. Saxena

Versus

1. The Union of India through the Secretary, Ministry of Defence, DHO PO, New Delhi.

2. The Scientific Adviser to Raksha Mantri and Director General, Research Development, DRDO, 'B' Wing; Sena Bhavan, DHQ PO, New Delhi-110 011.

3. The Secretary, Ministry of Personnel, Public Grievances & Pension, Department of Personnel & Training (Training Division), Block No.11, 2nd Floor, C.G.O. Complex, Lodi Road, New Delhi-110 003.

... Respondents

By Advocate Shri R.K. Shetty.

O.A. NO. 499/98

1. R.V.S. Subrahmanyam, Scientist "F"

2. L.S. Bhargava, Scientist "F"

3. D.V.B. Swamy, Scientist "F"

4. M.C. Ananthanarayana, Scientist "E"

5. Dr. R.B. Sharma, Scientist "D"

6. Milind D. Bagewadi, Scientist "C"

7. A. Thirumalairaja, Scientist "C"

8. D. Saravanan, Scientist "B"

9. H.G. Rajanna, Scientist "B"

10. Jagbir Singh, Scientist "B"

11. Dharmraj, Scientist "B"

12. S.T. Kale, Scientist "B"

13. A.K. Upadhyaya,
Scientist "B"
14. Pranab Ghosh,
Scientist "B"
15. Dr. Abhijit Bhattacharyya,
Scientist "B"
16. Milind D. Limaye,
Scientist "B"
17. Sunil M. Dahiwala,
Scientist "B"
18. Dr. V.P. Singh,
Scientist "G"
19. Sanjay Kumar,
Scientist "B"
20. Avinash Pankaj,
Scientist "B"

... Applicants

By Advocate Shri S.P. Saxena

Versus

1. Union of India
through the Secretary,
Ministry of Defence,
DHQ PO, New Delhi-110 011.
2. The Director General,
D.R.D.O. Ministry of Defence,
'B' Wing, Sena Bhawan,
New Delhi-110 011.
3. The Chief of naval Staff,
Naval Headquarters,
New Delhi-110 011.
4. Commanding Officer,
I.N.S. Shivaji,
Lonavala (Dist., Pune).

... Respondents

By Advocate Shri R.K. Shetty.

ORDER

Smt. Shanta Shastry. Member (A)

In both these OAs the issue involved is the same and the facts are also similar and the advocates are also the same. We are, therefore, proceeding to

dispose of these two OAs together. For purposes of illustration, the facts of OA 669/97 are being mentioned first.

2. The reliefs sought in OA 669/97 are as follows:

- (a) to declare that the applicants having been appointed as Scientists under the D.R.D.S. are non-permanent Faculty Members of the I.A.T., Pune-411 025,
- (b) to declare that the orders/schemes/Incentives granted under the D.O.P.T. letter dated 31.3.1987 as amended by O.M. dated 9.7.1992 in respect of Non-Permanent Teaching Faculty Members of the Training Institution, are applicable to the applicants,
- (c) to quash and set aside order dated 3.10.1996 issued by the Respondent No.1,
- (d) to direct the Respondents to calculate the Training Allowance emoluments for the Applicants for the periods for which they are working as Teaching Faculty Members and to pay the all the arrears arising out of the said,
- (e) to direct the Respondents to extend the other facility applicable to the Training/Teaching Faculty Members as detailed in the Office Memorandum dated 31.3.1987, issued by the D.O.P.T.
- (f) to grant the interest at the rate of 18% per annum on the amount due by way of arrears of the Training Allowance to be paid to all the applicants,
- (g) to pass any other orders which may be considered just and equitable in the facts and the circumstances of the case,
- (h) to award the cost of application.

3. The applicants are Scientists under the DRDO who are working presently in the Institute of Armament Technology established by the Ministry of Defence for

training and teaching all Gazetted Group 'A' officers. It is also recognised as post graduate level teaching and research Institute by the University of Pune.

4. The applicants are aggrieved by the fact that they are not being paid training allowance at 30% of emoluments with effect from 01.01.1986 and at 15% of emoluments with effect from 09.7.1992 in as much as they are employees in the Institute of Armament Technology as Scientists who are detailed as faculty members for training other Government officers. According to the applicants such a training allowance is admissible to them as part of incentive scheme of the Government of India set out in the Department of Personnel OM dated 31.3.1987.

5. The OM dated 31.3.1987 in para 2.1 states as follows: that when an employee of Government joins a training institution meant for ~~training~~ Government Officers as a non permanent faculty member other than as a permanent faculty member, he will be given a training allowance at the rate of 30% of his basic pay drawn from time to time in the revised scales of pay. Prior to this two other OM's were issued on 07.02.1986 and 07.4.1986. However, the OM dated 31.3.1987 has superseded the earlier OM's.

6. It is the contention of the applicants that they fulfil the conditions laid down in the aforesaid OM. They all belong to the training institute meant for training all Group 'A' officers. They are not permanent faculty members and therefore, they are entitled to the training allowance.

7. Prior to the filing of this OA, the applicants had filed OA Nos 226/95 and 1151/95 in this Tribunal which were disposed of vide order dated 30th May, 1996. A direction was given to the respondents 1 and 2 to frame and issue a scheme in terms of the DOP&T OM dated 31.3.1987 in relation to the Institute of Armament Technology after identifying permanent faculty members of the same and to extend the scheme of training allowance to the non permanent faculty members. Time of four months was granted to issue the necessary orders.

8. Accordingly, the applicants' case was considered by the respondents thereafter and a letter was issued on 03.10.1996 rejecting the case for extending the benefits of the various Office Memoranda particularly the OM dated 31.3.1987 issued by the DOP&T on the subject of improvement of service conditions of the faculty members of the training institution. The applicants are aggrieved by this order.

9. The respondents have opposed the prayer.

According to them, the members of the Institute of Armament Technology are part of the permanent faculty and hence they are not entitled to the special training allowance. According to the OM of 31.3.1987 the training allowance of 30% of the emoluments and 15% from 1992 onwards is admissible only to the faculty members other than the permanent faculty members of the training institute. The bone of contention is whether the applicants are permanent faculty members of the institute or not. The respondents accordingly considered this question and have come to the conclusion that the applicants are indeed members of the permanent faculty of the institute. All posts of teaching/ faculty of the Institute of Armament Technology are held either by the civilian scientists belonging to the DRDO or by the members of the Armed Force. In fact bulk of the posts of the faculty are included in the Defence Research & Development Service, they are regular cadre posts of the service and can be held by any member of the service. Remaining posts are held by Armed Forces. The respondents have produced a statement showing the strength of the faculty. According to this statement 68 officers belong to different grades of scientists from 'B' to 'G' are from the DRDS and 39 officers are service officers. It is an essential feature of an organised service that any member of the service can be posted to any cadre post within the grade to which he belongs. All the civilian posts of the teaching faculty of the

IAT are included in the regular cadre of the DRDS and are held by the applicants as permanent faculty members of the IAT. They have neither been appointed temporarily on deputation nor on tenure basis. Initially as per OM dated 07.02.1986 the training allowance was available only to those joining the training institute on deputation. However, this has been revised in the OM dated 31.3.1987 by including the term "faculty members other than permanent faculty members." In fact the DOP&T itself had advised by the OM dated 04.4.1995 that officers who are posted to such training institute in the course of their service, that is when such postings are treated as cadre postings and not on deputation, training allowance is not being paid. In view of this clarification, the applicants are not entitled to the grant of training allowance.

10. The respondents have further pleaded that the issue involved is a policy matter and therefore, does not warrant any interference by the Tribunal. The respondents also admit that the question regarding extending various incentives to the various faculty members of the institute was examined in the DRDO Headquarters. In fact, the Scientific Adviser to Raksha Mantri expressed his view on this matter, but no final decision had been taken.

11. The applicants, however contend that they have all been recruited as Scientists and therefore, if their services are utilised for purpose of training/teaching officers, then in terms of the OM dated 31.3.1987 of the DOP&T, they are entitled to the training allowance. According to them it is discriminatory on the part of the respondents in as much as in the Ordnance Factory Staff College at Ambazari, Nagpur the officers of the Ordnance Factory who are detailed for purpose of instructions, have been paid the training allowance. Similarly, many Ministries/Departments of Government of India have issued orders following guidelines laid down in the OM dated 31.3.1987 of the DOP&T. In fact, a list of the various Ministries/Departments of Government of India, who have implemented the OM have been furnished at pages 86 to 88 of the OA in Exhibit R4 by the respondents themselves.

12. These arguments had been advanced during the course of hearing of the earlier OA No.226/95 also. The Tribunal had observed therein para 12 that granting of training allowance to faculty members other than permanent faculty members of a training institution is a matter of policy of the Government taken at the highest level and it is not clear as to why DRDO has not implemented the scheme in relation to training institutions, although the same has been implemented in a training institution in production wing of Defence Ministry namely, Ordnance Factory Staff College. In

order not to interfere with the policy matter, the Tribunal had not shown any inclination to make a declaration that the applicants are entitled to the training allowance. It was left to the Scientific Adviser to Raksha Mantri to evolve an appropriate training allowance scheme, applicable to the training institution under his control keeping in view the guidelines of the Nodal Department i.e. DOP&T and since that was not done, a direction was given to frame such a scheme.

13. The respondents had also taken a point in the earlier OA that these scientists were covered by the Flexible Complementing Scheme. However, this was not borne out by the reply of the Nodal department namely Department of Personnel & Training which clearly stated that this cannot be linked with the incentive of training allowance. The appointment letters of some of these applicants have been produced for our perusal at Annexure R3/1 to R3/48. It is seen from these letters that while in some cases some of the applicants have been appointed as scientists 'B' others have been appointed as Senior Scientific Officers or scientist 'C' etc. The respondents have also produced order showing that the posts of scientist 'B' are equivalent to the post of faculty members and as such the applicants cannot be said to be entitled to the training allowance.

14. The applicants in OA 499/98 are working in the Naval College of Engineering at Lonawala. They were recruited as Scientists "B" or Scientists "C".

15. We have heard the learned counsel for the applicants as well as the respondents and have given careful consideration to the arguments on both the sides.

16. The main stand taken by the respondents is that the applicants are neither on deputation nor are they permanent faculty members. They are permanently employed in the Institute of Armament Technology and therefore, the applicants are not entitled for any training allowance. The respondents have referred to the letters of appointment of these applicants. We have perused the same. It is true that these applicants were appointed directly as Scientists in the Institute of Armament Technology in various posts as Senior Scientific Officer Grade-I, (Electrical Engineer,) Scientists "B" (Mechanical Engineer), Scientists "B" (Physics), Scientists "C" etc., in various disciplines. However, while it is mentioned in these recruitment letters that they shall, if so required be liable to serve as Commissioned Officers in the Armed Forces for a period of not less than four years including the training period, it is nowhere mentioned that they would be required to do the teaching job also. The recruitment rules for the post of Scientist also do not indicate that they have been appointed as faculty. It

is only as Scientists, no B.Ed degree or training in teaching has been prescribed in the recruitment rules for the post of Scientist "B" or Senior Scientific Officer for which these applicants were recruited. No doubt all these posts are of the DRDS cadre. Had these people been really appointed permanently as faculty members then they should have been given the pay scales and service conditions of faculty members. That does not appear to be so. Even if the posts are interchangeable the fact is all these applicants are basically scientists qualified in scientific discipline or in engineering disciplines. As such we find it difficult to accept that the applicants are permanent faculty members. They are liable to be transferred elsewhere in the field. It is to be noted further that when the respondents made a reference to DOP&T for clarification regarding the OM of 31.3.1987 being applicable to non permanent faculty members when the Flexible Complementing Scheme is already applicable to scientists, the DOP&T clarified that the Flexible Complementing Scheme has no relation with the incentive scheme of 31.3.1987 and it needs to be implemented. Further, the OM dated 31.3.1987 made abundantly clear that the Ministries/Departments will issue orders according to the guidelines given in the OM. It is not left to the discretion of the Ministries concerned as to whether to follow these guidelines or not. In view of this position, in our considered opinion, the OM dated 31.3.1987 is very well applicable to the present

applicants also. The respondents have also not been able to comment on how under the same Ministry of Defence the training allowance is paid to the staff of Ordnance Factory who have joined as non permanent faculty members in the Ordnance Factory Staff College. We therefore, hold that the applicants are entitled to the training allowance as envisaged in OM dated 31.3.1987 and further in the OM dated dated 09th July, 1992. No doubt we appreciate that it is not for the Tribunal to interfere in the matters of pay fixation, emoluments etc. However, in the present case, policy decision has already been taken by the Government of India and therefore, it is only the question of implementation of the same. Accordingly, the respondents are directed to consider granting the training allowance to these applicants at the rate of 30% of their emoluments with effect from 01.01.1986 and 15% with effect from 09.7.1992. However, the applicants have approached this Tribunal only in April, 1998, arrears shall therefore be confined to the period of one year prior to filing of these OAs. The same order shall apply in OA No.499/98 also. The implementation of this order shall be done within a period of three months from the date of receipt of copy of this order. Accordingly, both these OAs are allowed. We however, do not order any costs.

(SMT. SHANTA SHAstry)
MEMBER (A)

(S.L. JAIN)
MEMBER (J)