

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA.1140/92

date of decision : 30-7-93

Between

1. T. Kameswara Rao
2. Dr. K.S. Murti
3. A.V. Raju
4. G. Ramalinga Swamy
5. P.F. Augustine
6. S. Jayaram
7. M. Ananda Rao
8. M. Ramakrishnan : Applicants

and

1. The Director (Training)
Dept. of Personnel & Training (Trg. Divn)
Min. of Personnel, Public Grievances and Pensions
Block II, 2nd Floor, CGO Complex
Lodi Road, New Delhi 110003

2. The Director General
Geological Survey of India
27, J.L.Nebru Road
Calcutta 700016.

3. The Pay & Accounts Officer
Pay & Accounts Office
Geological Survey of India
Hyderabad : Respondents

Counsel for the applicants : Syed Shareef Ahmed
Advocate

Counsel for the respondents : N.V. Ramana, Addl. SC
for Central Government

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HON. MR. A.B. GORTHI, MEMBER (ADMINISTRATION)

Judgement

Heard Sri N.V. Ramana, learned counsel for the
respondents.

2. In this application, the prayer of the applicants is
for setting aside the order dated 9-7-1992 under which the

Government of India, Ministry of PPG & Pensions, reduced the rate of Training Allowance from 30% of the basic pay to 15%. On the reduction of the Training allowance, an option was given to all those Faculty Members who were in the receipt of such Training Allowance either to accept the reduced rate of training allowance and continue on deputation or to seek reversion to their parent cadres.

3. The applicants are working as Faculty Members in the Geological Survey of India, Training Institute, situated at Hyderabad. They are working in the institution since June, 1992. With a view to improve the service conditions of Faculty Members and attract better talents to join the Faculty, the respondents issued memo dated 7-2-1986. According to the said memo, Faculty members who joined training institution on deputation would be entitled to a raise in their emoluments by 30% of the total emoluments which they would be getting in their cadre while posted in the field. Thereafter another office memo dated 31-3-1987 was issued by the respondents once again reiterating the position under which the Faculty Members would be entitled to training allowances of the amount of 30% of the basic pay. Accordingly, the applicants' contention is that they acquired a vested right to continue to receive the said training allowance so long as their ~~employment~~ ^{continuation} with the training institute ~~continues~~ exists. It is also contended that the ~~impugned~~ memo dated 9-7-1992 does not indicate that it was a decision of the Government and therefore, the same is illegal and arbitrary.

4. The respondents filed a counter affidavit in which they have ~~traded~~ the background related to the grant of

Training Allowance: Prior to 1-1-1986 Government servants proceeding on deputation were allowed deputation allowance at the rate of 20% of the basic pay if they have to move from one station to another station and at the rate of 10% if the deputation is in the same station. It was felt that to attract better talent to fill up the posts in the Faculties of the Training Institutes, the allowance should be increased to 30% and it was designated as Training Allowance. This decision was taken keeping in view the basic pay of individuals as existed prior to the implementation of the Fourth Pay Commission Recommendations. After the introduction of the Fourth Pay Commission, the basic pay of the employees has been raised considerably. Consequently, in the case of deputation from outstation, the deputation allowance was reduced to 10% and in the same station it was brought down to 5%. However, no such corresponding reduction was effected in the case of training allowance, which continued to remain at 30% of the revised pay. The question regarding revision of rate of training allowance was once again examined and as is apparent from the impugned order itself, a decision was taken keeping in view the resource crunch, besides other relevant factors. After taking into consideration all the relevant factors "the Government have decided that the rate of training allowance wherever it is admissible, may be reduced uniformly from 30% to 15%."

5. The impugned order further gives an option to all the existing Government servants working as Faculty Members either to accept the reduced training allowance and continue on deputation or to seek reversion to their parent cadre.

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6. Mr. N.V. Ramana, learned counsel for the respondents present and heard.

7. As regards the objection raised in OA that the impugned order does not seem to be a decision of the Government, it cannot be accepted because a perusal of the impugned memo would clearly indicate that the Government have since decided that the rate of training allowance would be reduced from 30% to 15%. The impugned memo is issued by Government of India, Ministry of PPG & Pension, Department of Personnel and Training (Training Division), and it cannot, therefore, be said that it was merely a Departmental instruction and that it was not a decision of the Government.

8. The applicants' claim that they have a vested right in continuing to receive training allowance at the rate of 30% of the basic ^{pay} cannot be viewed as valid, as the Government had the right and prerogative to increase the training allowance from 20% to 30%, it had also ^{the} right and prerogative to reduce the same at any subsequent time. ^{So} long as it is seen that the said decision is neither arbitrary nor unfair nor discriminatory, it cannot be questioned. In the instant case, it is apparent that the reduction of the training allowance has uniform application to all the Faculty Members of the Training Institutes. Moreover, an option has been given to those affected by the impugned order either to accept the same or to seek reversion to their parent cadres.

9. In the light of the above, I find that the impugned order does not suffer from any such illegality or impropriety

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as would warrant interference.

10. The application is, therefore, dismissed with no order as to costs.

A. B. Gorthi
(A. B. Gorthi
Member (Admn.)

Dated : July 30, 1993
Dictated in the Open Court

8/7/93
Deputy Registrar

To

1. The Director (Training)
Dept. of Personnel & Training (Trg. Divn)
Min. of Personnel Public Grievances and Pensions
sk Block II, 2nd Floor, CGO Complex, Lodi Road, New Delhi-3.
2. The Director General, Geological Survey of India,
27 J.L.Nehru Road, Calcutta-16.
3. The Pay & Accounts Officer, Pay & Accounts Office,
Geological Survey of India, Hyderabad.
4. One copy to Mr. Syed Shareef Ahmed, Advocate, 3-6-725
St. No. 11, Himayatnagar, Hyderabad.
5. One copy to Mr. N. v. Ramana, Addl. CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

*6th Aug
P.S.C
7.8.93*