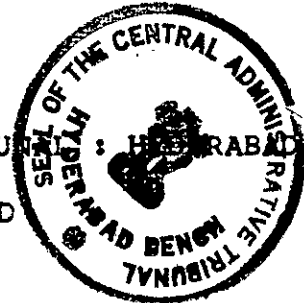


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD



O.A. 935/94.

Dt. of Decision : 2-6-97.

S.Madhusudana Sastry

.. Applicant.

Vs

1. The General Manager (Personnel)
SC Rly, Sec'bad.
2. The Divl.Rly.Manager,
S_c'bad (BG) Division,
SC Rly, Sec'bad.

.. Respondents.

Counsel for the applicant : Mr.V.Krishna Rao

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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condition for granting him the special pay of Rs.35/-. As he was away on the Works Accounts Branch keeping his lien in Electrical Department he should have been preferred for the post of Sr. Clerk having the special pay and that he should have been brought to the Electrical Department at the time when Mr.Sehsagiri Rao was posted in the post of Sr. Clerk having the special pay. As he was not repatriated by the administration, he should not be allowed to suffer by not granting him Rs.35/- which was granted to his junior Mr.Seshagiri Rao.

6. The grant of special pay is for performing specific complex nature of duties. If an employee has performed such a duty he cannot have the right to ask for the special pay just because his junior was getting the pay as junior was actually performing the complex nature of duties. The Supreme Court reported in The Chief Commissioner of Income Tax (Admn.), Bangalore Vs. V.K.Gururaj & Others (1996(1) SCALE 696). In view of the above judgement of the Supreme Court the applicant cannot claim the special pay of Rs.35/- without performing the complex nature of duties. Mr. Sehshagiri Rao had performed the special duties as Senior Clerk. Hence, he was entitled for the special pay. In that view, we find that the application lacks merits and hence it has to be dismissed.

7. In view of what is stated above, we find no merits in this OA. Hence, the OA is dismissed. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
BENCH

केस नम्बर	MA 93514
CASE NUMBER	MA 93514
निर्णय का तारीख	24/6/97
Date of Judgement	24/6/97
प्रति तय्यार किया गया दिन	1/7/97
Copy Made Ready on	1/7/97
अनुभाग अधिकारी (नव बिक)	
Section Officer (J)	

getting Rs.35/- though during the period when his junior Mr.Seshagiri Rao was getting special pay of Rs.35 he was not in the Electrical Branch.

3. This OA is filed praying for a direction to the respondents to grant him special pay of Rs.35/- in the Electrical Department in the cadre of Sr. Clerk as his junior Mr.Seshagiri Rao was drawing more pay due to consequent fixation after granting special pay for which the applicant is also eligible.

4. It is stated in the reply that the applicant was promoted to the post of Sr. Clerk way back in 1966 in the Works Accounts Branch earllier to his juniors in the Electrical Department. It is also stated that the applicant was promoted as Head Clerk when he was repatriated to his parent department on par with his junior i.e., w.e.f. 22.8.91. Hence, the applicant has not suffered any set back in his career as far as his promotional opportunities are concerned. In fact he was promoted to Sr. Clerk much earlier than his seniors in the Electrical Branch where he was holding the

5. The only point to be considered in this OA is whether the applicant is also entitled for the special pay of Rs.35/- which was granted to the junior Mr.Seshagiri Rao in view of the fact that Mr.Seshagiri Rao performed the complex nature of duties as Sr. Clerk in the Electrical Department. The main contention of the applicant is that he is senior to Mr.Seshagiri Rao and also fulfilled the

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