

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD.

O.A.243 of 1994.

Between

Dated: 21.4.1995.

Dr. G.Vijay Bhaskar

...

Applicant

And

1. Government of India, represented by its Secretary,  
Ministry of Home Affairs, New Delhi.
2. The Director, S.V.P.National Police Academy, Hyderabad.

...

Respondents

Counsel for the Applicant

Sri G. Ramachandra Rao &  
: V.Rajagopala Reddy

Counsel for the Respondents

: Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

O.A. 243/94.

Dt. of Decision : 21-04-95.

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The applicant, a Senior Medical Officer of Central Health Service, was posted to Sardar Vallabhbhai Patel National Police Academy as a Staff Surgeon on 01-06-1988. The post carried scale of pay of Rs. 3000-4500/- and according to the applicant, he was required not only to ~~act~~ as a Doctor in the Clinic of the Academy, but also required to take up teaching work in several subjects including Forensic Medicine. He was also required to ~~set~~ question papers and evaluate the answer books. He conducted several classes in First Aid and Ambulance Drill. The applicant therefore claims that he is at par with the other Faculty Members of the Academy who are given 30 per cent of their pay as training allowance. The said benefit of training allowance was however denied to the applicant and hence this OA.

2. The respondents in their reply affidavit have asserted that the main duty of the Staff Surgeon is rendering medical treatment to the Staff and Trainee Officers of the Academy and that his duty related to teaching of Forensic Medicine to the trainee officers was intermittent in nature. He was posted to the Academy as a Staff Surgeon only and not as a Faculty Member.

3. Hardly any ~~dispute~~ <sup>exists</sup> as regards the facts in this case. The Academy itself took up the case of the applicant on several occasions <sup>with</sup> to the higher authorities including Shri P.Chidambaram the then Minister of State for Personnel & Home Affairs, recommending grant of teaching allowance of 30% of pay. This would be evident from the various annexures attached to the OA. The applicant himself submitted a representation dated 13th May 1993 addressed to the Secretary, Government of India, Ministry of

Copy to:-

1. Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The Director, S.V.P. National Police Academy, Hyderabad.
3. One copy to Sri. V. Rajagopala Reddy, advocate, No.1, Law Chambers, High Court Buildings, Hyderabad.
4. One copy to Sri. P. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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not yet

Home Affairs requesting for an earlier decision in the matter of granting him teaching allowance. The record however, does not indicate <sup>whether</sup> (L) the government has taken any formal decision in this matter. The record shows that the quantum of teaching allowance with the introduction of the IVth Pay Commission recommendation has been reduced to 15% of the basic pay.

4. From the counter affidavit filed by the respondents it is seen that the incumbents <sup>the</sup> in/post of Staff Surgeon prior to the appointment of the respondents in 1986. The respondents stopped the same in October 1986 as they found that it was without due sanction.

5. Keeping in view the afore-stated undisputed facts of the case, this application can be disposed of with a direction to Respondent No-1, namely, the Secretary, Ministry of Home Affairs to consider the representation dated 13th May 1993 submitted by the applicant, alongwith the various recommendations made by the National Police Academy and take a final decision with regard to the grant of teaching allowance to the Staff Surgeon posted at the Academy. In doing so, due weightage will be given to the actual teaching work done by the Staff Surgeon and also the fact that the Staff Surgeon in the past was given teaching allowance, though only for a few months. Respondents shall comply with this directions within a period of four months from the date of communication of this order.

6. OA is ordered accordingly without any order as to costs.

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

Dated : The 21st April 1995.  
(Dictated in Open Court)

*(Signature)*  
By Regd. No. (1)

DA-243/94

TYPED BY  
CHECKED BY

COMPALED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE SHRI A.V. HARIDASAN: MEMBER (J)

AND

THE HON'BLE SHRI A.B. GORTHY: MEMBER (J)

DATED

21/4/95

ORDER/JUDGMENT

M.A. NO./R.P. NO./C.P. NO.

O.A. NO.

in

243/94

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

YLKR

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