

(36)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.739/96

Date of Order: 5.11.96

BETWEEN :

Narahari Mahadeo Dhote

.. Applicant.

AND

1. The Secretary,
Ministry of Defence,
South Block, New Delhi-11.
2. The Chief of Army Staff,
Army Head Quarters, South Block,
Director of Headquarters PO,
New Delhi - 11.
3. The Director General of Electrical
Mechanical Engineering, Army Head
Quarters, Director of Head Quarters,
PO, New Delhi - 11.
4. Commandant, Military College of
Electrical Mechanical Engineering,
Secunderabad-15.
5. The Commandant Officer, II Training
Battalion, 1 EME Centre,
Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. V. Venkateswara Rao

Counsel for the Respondents

.. Mr. V. Rajeswara Rao

CORAM:

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

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

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn) X

Heard Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

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2. The applicant in this OA was promoted as Assistant Engineer and posted to 3 Training Battalion, 1 EME Centre, Secunderabad on 18.6.91. He was redesignated as C.W.O. w.e.f. 18.6.94 in 1 EME Centre.

3. This OA is filed praying for a direction to the respondents to pay 30% of his basic pay as training allowance in terms of Memo No.12017/2/86-Trg. (TNP) dated 31.3.87 issued by Government of India w.e.f. 10.5.89 with all consequential benefits.

4. The learned counsel for the applicant submits that he is a Group-B Workshop Officer and his case is covered squarely by the judgement of this Tribunal in OA.1379/94 decided on 30.10.96.

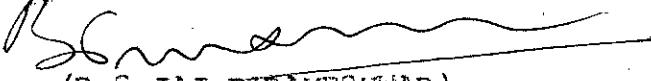
5. The learned standing counsel submits that he is the permanent faculty member of the training establishment and hence the memo dated 31.3.87 is not applicable in this case.

6. In view of the above contentions the following direction is given:-

The applicant is entitled for the benefits as directed in OA.1379/94 provided he is a Group-B Workshop Officer and not a permanent faculty member in the training establishment. In case he is entitled for the relief as mentioned in the memo dated 31.3.87 ~~he is entitled for arrears~~ if any that accrues to him in pursuance of the direction as given above from the date of filing of this OA i.e. from 14.6.96 and to be paid within 3 months from the date of issue of the instructions ~~of~~ R4 & R5 by R3 as directed in OA.1379/94.

for honorarium

7. The OA is ordered accordingly. No costs.

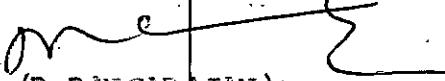

(B.S.JAI PARAMESHWAR)
Member (Jdgl.)

S. U. B.

Dated : 5th November, 1996

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(Dictated in Open Court)


(R.RANGARAJAN)
Member (Admn.)

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Copy to:-

1. The Secretary, Ministry of Defence, South Block, New Delhi.
2. The Chief of Army Staff, Army Head Quarters, South Block, Director of Headquarters PO, New Delhi.
3. The Director General of Electrical Mechanical Engineering, Army Head Quarters, Director of Head Quarters PO, New Delhi.
4. Commandant, Military College of Electrical Mechanical Engineering, Secunderabad.
5. The Commandant Officer, II Training Battalion 1 EME Centre, Secunderabad.
6. One copy to Sri. V. Venkateshwara Rao, advocate, CAT, Hyd.
7. One copy to Sri. V. Rajeswara Rao, Addl. CGC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)
Hon Mr. BOS. Tairparmeru M(L)

DATED: 5/11/96

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

D.A. NO. 739/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
इंशेष्ण /DESPATCH
21 NOV 1996
हैदराबाद न्यायपोठ
HYDERABAD BENCH