

Central Administrative Tribunal  
Jabalpur Bench

OA No.549/2000

Jabalpur this the 31st day of October, 2003.

Hon'ble Mr. Shanker Raju, Member (J)  
Hon'ble Mr. Sarveshwar Jha, Member (A)

Shri S. Shadangule

-Applicant

(By Advocate Shri B.C. Dubey)

-VERSUS-

Union of India & Anr.

-Respondents

(By Advocate Sh. P. Sankaran)

ORDER (ORAL)

Mr. Shanker Raju, Member (J) :

Applicant impugns respondents' order dated 4.9.97 denying him the benefit of special pay of Rs.35/- being taking into account for pay fixation. He has sought quashing of the same and stepping up of pay at par with his junior Sh. K.C. Shrotriya w.e.f. 1.1.86 with all consequential benefits.

2. Applicant an employee of the Indian Audit and Accounts Department under the CAG of India was recruited as UDC on 2.8.68. On bifurcation of Audit and Accounts department from 1.4.1976 applicant stood transferred to the Accounts Wing of the Department of Posts. Vide his representation dated 4.7.1996 benefit of special pay of Rs.35/- to the UDCs performing complex nature of duties as ordered by the Apex Court in CA-1208/92 has been sought.

The same was forwarded to the authorities and ultimately was denied to applicant, giving rise to the present OA.

3. Learned counsel for applicant states that applicant had never worked in an identified post is not correct. As applicant was the seniormost UDC on the date of issue of the orders regarding grant of special pay on 5.5.1979 he was deprived of his legitimate rights. It is further

contended that applicant was working as Junior Accountant till 14.7.1979 and Senior Accountant from 15.10.79 to 27.2.1981 and had Government ordered implementation of grant of special pay of Rs.35/- at the appropriate time he would have an opportunity to work on an identified post.

4. Another grievance put-forth is as to entitlement of Rs.15/- as qualification pay on passing the departmental examination, as provided by the Ministry of Finance vide OM dated 28.2.1984.

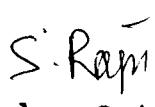
5. On the other hand, respondents' counsel vehemently opposed the contentions and contested the OA. By referring to the clarification for grant of special pay vide OM dated 1.12.1994 it is contended that the three conditions for grant of special pay could not be satisfied as applicant as well as his junior was appointed as Senior Accountants w.e.f. 1.7.85 after the crucial date of 5.5.1979. Moreover, it is contended that there was no occasion for applicant to have appointed on non-functional selection grade of UDC at the relevant time he was working as Junior Accountant where special pay was not admissible. It is one of the grounds that his junior was as Junior Accountant special pay of Rs.35/- w.e.f. 30.4.84 whereas applicant stood promoted as JAO w.e.f. 28.2.85 and on that date was not drawing any special pay equivalent to Rs.35/-. Accordingly, it is stated that being not eligible under the rules and not working as UDC at the relevant time he cannot claim special pay ordered by the Apex Court which is only admissible on fulfilling the conditions prescribed.

6. In so far as qualification pay of Rs.15/- is concerned, it is stated that the matter is under consideration and the relevant benefit would be accorded to applicant as per the OM.

7. We have carefully considered the rival contentions of the parties and perused the material on record. One of the conditions for stepping up of pay keeping in consideration the benefit of special pay of Rs.35/- is applicable as per the modification to OM dated 1.12.94 on fulfilling certain conditions and as none of the conditions have been satisfied in the case of applicant and it has not been established that he was UDC at the relevant time and was not in receipt of the special pay stepping up of pay is not admissible in his case and he is ineligible to be accorded the same. We do not find any infirmity in the action of the respondents in rejecting the request of applicant for special pay.

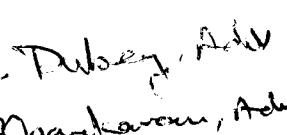
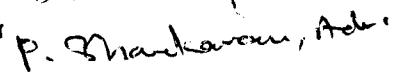
8. However, in so far as the grievance as to non-accord of qualification pay of Rs.15/- on passing the departmental examination is concerned, as it is fairly stated by the respondents that the same would be worked out and the benefits would be paid to applicant, we partly allow this OA. The request for stepping up of pay is rejected but respondents are directed to extend the benefit of Rs.15/- as qualification pay on passing departmental examination admissible vide Ministry of Finance OM dated 28.2.1994 alongwith consequential benefits, within a period of three months from the date of receipt of a copy of this order. No costs.

  
(Sarveshwar Jha)  
Member (A)

  
(Shanker Raju)  
Member (J)

'San.'

पूर्णकाल नियमित विवरण दिन.....  
पूर्णकाल विवरण दिन.....

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7.11.03

  
T. Naganna  
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