

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. No. 550/2000

Jabalpur, this the 20th day of February, 2004

Hon'ble Shri M.P.Singh, Vice Chairman
Hon'ble Shri G.Shanthappa, Member (J)

R.K.Shrivastava,
S/o Sh. Raja Ram Shrivastava,
about age 55 years,
R/o 25A Old Ashoka Garden, Bhopal 462023
Working as Asstt. Director (TT)%C.G.M.
Telecom, Bhopal.

...Applicant

(By Advocate:- None)

-versus-

1. Union of India through
Secretary,
Department of Telecom Services,
Ministry of Communication,
Sanchar Bhawan, Ashoka Road,
New Delhi.

2. Chief General Manager, Telecom,
MP Telecom Circle,
Bhopal.

...Respondents

(By Advocate: Shri P.Shankaran)

ORDER (ORAL)

By M.P.Singh, Vice Chairman

By filing this O.A. the applicant has sought the following main reliefs:-

- i) to quash the order No. ST-03/31/67/102 dated 18.9.1996 and No. ST-02/31/67/II/132 dated 6.4.2000 issued by respondent no. 2.
- ii) to direct the respondents to pay the special pay with all its benefits w.e.f. December, 1996 till today/continuance, as I am holding the same post.

2. The brief facts of the case are that the applicant is working as Assistant Director (Telegraph Traffic) in the office of the Chief General Manager Telecom, M.P. Circle, Bhopal since 14.07.1994. On the post of Assistant

Director(TT) a special pay of Rs. 200/- was sanctioned by the respondent no. 1, which has now been increased to Rs. 400/- on the recommendations of Vth Pay Commission. The applicant was getting special pay of Rs. 200/- per month upto November, 1996. The respondent no. 2/ stopped the said special pay of Rs. 200/- per month arbitrarily vide order dated 8.9.1996 on the ground of reduced workload. The applicant made several representations to the respondent no. 2 and the last being dated 8.12.1999 which was rejected by the respondents on 6.4.2000. Aggrieved by this, the applicant has filed the present O.A.

3. The respondents in their reply have stated that the special pay is granted to an officer in consideration of the specially arduous nature of duties or a specific additional to the work or responsibilities. Respondent no. 2 being the appointing authority in the Bhopal Circle Office, on review of cases identified certain Group B posts carrying special pay of Rs. 200/- per month which was increased to Rs. 400/- per month from 1.1.1996. However, because of introduction of modern technology in the communication field and decrease in the workload in Telegraph field, the respondent no. 2 has reviewed the entire cases in 1996 and has found that Assistant Director (TT) was not one of the posts carrying specially arduous nature of duties which enable an officer to claim special pay. Therefore, the special pay enjoyed by the applicant was ceased to exist on that post and the pay was accordingly stopped to him.

4. Since none is present on behalf of the applicant and the O.A. being an old one pertaining to the year 2000, we are disposing of this O.A. by invoking the provision of Rule 15 of CAT(Procedures)Rules, 1987 and after hearing the learned counsel for the respondents.

5. We find that the applicant was earlier getting special pay of Rs. 200/- per month for doing arduous nature of work and additional responsibilities attached to the post held by the applicant as the said post was identified by the respondents as such. A review has been made by the respondents and it has been found that due development of to/modern technology in the field of communication, there are no arduous duties attached to the post held by the Assistant Director (TT) and there is no justification for grant of special pay to the applicant. It is well settled legal position that this Tribunal is not a fact finding body ~~authority~~ and cannot assess the quantum of work or cannot identify the post which has the arduous nature of duties and the incumbent of the post requires to be paid the special pay. It is for the respondents to make such assessment and identify the post which exercise has already been done by them. We, therefore, find no ground to interfere with the orders passed by the respondents stopping the special pay to the applicant.

6. For the reasons recorded above, the O.A. is bereft of merit and is accordingly dismissed. No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

in Jharkhand
(M.P.Singh)
Vice Chairman

/na/

पृष्ठांकन सं. ओ/ज्या..... दाता/पुरु. दि.....
प्रतिलिपि द्य दि.....

(1) दर्शन, दृष्टि व्यापक विषयों की विषय, जनतालपुर
 (2) अंतर्कांड की विविधता, विविधता के लाभांश्ल *applicant*
 (3) प्र. शंकर शुक्लविविधता, विविधता के लाभांश्ल *P. Shankar*
 (4) वांशपाता, दृष्टि व्यापक विषय

55. *Copy of des*
उच्च दर्जियारार्द्ध 13/04

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