

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA No. 1914/2018

New Delhi, this the 13th day of December, 2018

Hon'ble Mr. Pradeep Kumar Member (A)

Anis Ahmed, (DDE) Aged about 59 yrs, Group – B
S/o Late Sh. Muhammed Hamid
R/o RN-60,
B-Block Market, Sector-62,
Gautam Buddha Nagar,
Noida (U.P.)-201301

.....Applicant

(By advocate: Ms Shimpy Sharma with Mr Lakshay Garg)

Versus

1. The State (Government of NCT of Delhi)
Through its Secretary (Education)
Old Secretariat, Delhi
2. Lt. Governor,
NCT of Delhi
Raj Nivas, Rajpur Road
Delhi.
3. Directorate of Education
Through Deputy Director of Education
Government of NCT of Delhi
Old Secretariat, Delhi
4. Director of Education
Through Assistant Director of Education (GOC)
DTE- Administration-1: GOC
Government of NCT of Delhi
Old Secretariat, Delhi
5. Director of Education
District South East
Director of Education, GNCT of Delhi,
C Block, Defence Colony,
New Delhi-110024

6. The Deputy Director of Education
District South East,
Director of Education, GNCT of Delhi,
C-Block, Defence Colony,
New Delhi-110024

7. Additional DDE (Zone 29)
District South East,
Director of Education, GNCT of Delhi,
C-Block, Defence Colony,
New Delhi-110024

.....Respondents

(By advocate : Ms Purnima Maheshwari with Mr Akshay Singh)

O R D E R (O R A L)

Heard Ms Shimpy Sharma, learned counsel for the applicant and Ms Purnima Maheshwari, learned counsel for the respondents.

2. In the instant case, the applicant was working as a Principal and he was posted on Current Duty Charge basis as Dy. Education Officer (DEO), Zone-19 on 19.05.2016, both being under GNCTD. The applicant had earlier also approached the Tribunal in OA No. 4046/2017 seeking directions to pay him certain extra allowance for his work as DEO as Current Duty Charge basis means he continues to get Principal's pay only with no extra benefit whatsoever. This was disposed of by the Tribunal on 10.01.2018 with the directions to the respondents to examine the case and pass an order. In the meanwhile, certain changes in the jurisdiction have also taken place and as seen from an order dated 07.03.2018 the work of DEO in two Zones i.e. Zone 29 and Zone 25 was reorganized and

distributed amongst two DEOs namely Mr Anis Ahmed and Shri P C Sharma.

As directed by Tribunal in OA No.4046/2017, respondents had passed an order on 07.03.2018 wherein any additional payment, over and above the Principal's pay was denied. This order is impugned in the instant OA.

3. In the instant case, it has already been mentioned that the work of Zone 29 & 25 was reorganized and two DEOs were appointed to take charge of this work pertaining to these two Zones. The applicant has relied upon the DOP&T OM dated 11.08.1989, since adopted by Govt. of NCT of Delhi, and claimed that he is to be paid certain extra allowance whereas the Directorate of Education, under GNCTD is not paying any allowance and the Principals are being made to function as DEOs on Current Duty Charge.

It is also pleaded that he was not having any choice about posting as DEO or otherwise.

4. The respondents brought out that the salary scale in respect of Principal and the DEO are the same and the officers are posted from one post to other on Current Duty Charge basis only. It was also pleaded that OM dated 11.08.1989, which were read out that if the Government servant is formally appointed to take some additional charge, then only additional allowance becomes payable.

In the instant case, the applicant is no more working as Principal, but on a different post of DEO, hence respondents pleaded that it does not involve any additional charge and as such any additional payment in the instant case is not permissible. This has been indicated in the speaking order dated 07.03.2017 also.

5. The applicants also relied upon the specific language mentioned in a sentence in the order which reads “Following transfers and postings of Principals as DEOs were orders for all purposes with an immediate effect.” The applicant pleads that the word “all purposes” needs to be appreciated and it was imputed that this means something beyond the normal scope of work of a DEO. It was pleaded that an order “posted as DEO for all purposes” and “posted as DEO”, mean two different responsibilities and former term connotes some additional responsibilities over and above that of DEO.

6. The matter has been heard at length. It is the view of this Tribunal that writing “for all purposes” or “only the designation of the post”, in the posting order, makes no difference whatsoever since one is required to discharge all the functions in relation to the post held for the time being. The contention of applicant contained in para 5 above are rejected.

Further, the salary scale in respect of the post of Principal and the post of DEO, is the same. The department has a system of appointing Principals as DEOs also, to carry out the work and those who are posted as DEO are no more required to carry out the duties of a Principal. Thus an

officer performs the work of one post only at a time. With this the OM dated 11.08.1989 for payment of additional allowance, is not attracted.

In the result, the OA is dismissed being devoid of merit. No costs.

(Mr. Pradeep Kumar)
Member (A)

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