
(1997) 04 SC CK 0074

In the Supreme Court Of India

Case No : Civil Appeal No. 676 of 1988

Union of India and others

APPELLANT

Vs

Guru Charan Dass

RESPONDENT

Date of Decision : 10-04-1997

Acts Referred:

Citation : AIR 1997 SC 2605 : (1997) AIRSCW 2562 : (1997) 84 CLT 321 : (1997) 5 JT 80 : (1997) 2 LLJ 764 : (1997) 3 SCALE 725 : (1997) 4 SCC 660 : (1997) SCC(L&S) 987 : (1997) 3 SCR 827 : (1997) 4 Supreme 641

Hon'ble Judges : K. Ramaswamy, J;D. P. Wadhwa, J

Bench : Division Bench

Advocate : P.P. Malhotra, Hemant Sharma and P. Parameshwaran, for the Appellant; P.N. Misra, for the Respondent

Final Decision : Dismissed

Judgement

K. Ramaswamy and D.P. Wadhwa, JJ.—This appeal by special leave arises from the order passed by the Central Administrative Tribunal at Cuttack in T.A. No. 267/86 on May 26, 1987.

2. The admitted facts are that the respondent was working in Hirakund Project prior to 30th March 1960. Consequent upon the closer of the Project, offer was given to several persons including the respondent for seeking appointment either in the State Service or in the Government of India service or to get retrenched. The alternative appointment in the Government project, namely, Dandakarnya Project was given to the respondent by letter dated March 9, 1960 by the Chief Administrator of that project. The letter of appointment read as under :

The post in question carries the pay scale of 180-10- 300... plus usual clearness allowances admissible to Central Government employees. In addition the following allowances have been sanctioned for the employees of the Dandakarnya Project and Sri Guru Charan Das will be entitled to them in addition to the extent admissible.

(i) 25% deputation allowance, if he is already a permanent/quasi permanent employee, (ii) 20% project allowance regardless of whether he is permanent/quasi permanent or not (iii) Rent free tenanted accommodation in the area or the present.

3. In case the post is acceptable to Shri Guru Charan Das on these terms and conditions, he may be relieved from his duties so as to act as Publicity Officer at Koraput immediately but not later than 4th April 1960 after availing joining time, admissible under the rules.

3. Obviously the respondent accepted the offer of appointment and in terms thereof by letter dated April 2, 1960, he was appointed temporarily as Publicity Officer. Since deputation allowance was not paid to him, he filed a writ petition in the High Court. Consequent upon the Constitution of the Tribunal, the writ petition was transferred to the Tribunal for disposal. The Tribunal has found as a fact that his continuance in Hirakund as U.D.C. was on permanent basis and that, therefore, he is entitled to the deputation allowance.

4. Mr. P.P. Malhotra, learned senior counsel appearing for the appeal contends that since the respondent came to be appointed afresh on temporary basis in terms of the appointment letter, he is not entitled to the deputation allowance. We find no force in the contention.

5. In view of the offer of appointment given to the respondent and the respondent having accepted the same, he is entitled to the deputation allowance of 25%. Since his status as a permanent U.D.C. was not disputed before the Tribunal and no tangible contra material has been placed before us justifying acceptance of the said finding recorded by the Tribunal, the respondent is entitled to deputation allowance as directed by the Tribunal.

6. The appeal is accordingly dismissed. No costs.