

SECRETARY TO GOVERNMENT OF ANDHRA PRADESH,
FINANCE AND PLANNING DEPARTMENT AND ORS.

v.

P. ESWAR REDDY AND ORS.

JANUARY 8, 1996

[K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

Service Law :

Junior Lecturers in Colleges—Compensatory allowance paid on withdrawal of residential attenders discharging official work at residence—Not discharging official duties during holidays and leave period—Hence not entitled to compensatory allowance during the period of holidays and leave.

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 1924-2015 of 1996.

From the Judgment and Order dated 17.6.91/13.8.91 of the Andhra Pradesh Administrative Tribunal at Hyderabad in O.A. Nos. 21846-21928/90 and R.P. Nos. 19962-70 of 1989.

K. Ram Kumar C. Balasubramaniam, T.V.S.N. Chari and Ms. Asha Nair for the appellants.

The following Order of the Court was delivered :

Office report dated January 5, 1996 shows that respondent Nos. 1-83, 86-88, 90 and 93 to 95 have been served. They are not appearing either in person or through counsel. But though notice on respondent Nos. 84, 85, 89, 92 and 96-105 was sent, their acknowledgements have not been received nor any report in that behalf has been sent. Notice must be deemed to have been served on all the respondents.

Leave granted.

In G.O.M.S. No. 105 dated April 3, 1974 of the Finance & Planning (F.R.I. & L) Department, it is stated that the orders issued in G.O.M.S. No. 1059 dated November 11, 1971 directing sanction of a maximum compensatory allowance @ Rs. 150 [which was later increased to Rs. 200] to the officers from whom residential attenders withdrawn are to enable such officers to employ a

person/persons to attend to the needs of the officers in the discharge of official work at his residence. It was subsequently extended to the Senior and Junior Lecturers working in the colleges. We are concerned with the Junior Lecturers.

The question arose whether junior lecturers during holidays and leave period are entitled to the payment of compensatory allowance. There was difference of opinion among the two-member Bench of the Tribunal and consequently the matter was placed before a third member. Per majority, it was held that they are entitled to the payment of the allowance during the leave or vacation period. It would be seen that the Lecturers would not perform any official duty during holidays. If at all they have performed duty they would evaluate the examination papers for which they would be paid the amount for evaluating the papers. Under these circumstances, the majority members were not right in concluding that they are discharging the official duties during the vacation or leave period and they are entitled to the compensatory allowance. The said decision of the tribunal is accordingly set aside. The appeals are accordingly allowed. No costs.

Appeals allowed.