

A.J. JOSEPH  
v.  
UNION OF INDIA AND ORS.

JANUARY 8, 1996

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

*Service Law :*

*Civil Services—Fundamental Rule 9(25) clause 7(iii)—Higher scale of Pay—Head Compounder posted at Andaman & Nicobar Island—Claim negatived by Government and upheld by the Tribunal—Held : claim not well founded—However Special pay on par with other employees working in Andaman & Nicobar as provided under the fundamental rule be paid to all eligible persons including the claimant Head Compounder.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1909 of 1996.

From the Judgment and Order dated 11.3.87 of the Central Administrative Tribunal, Calcutta in O.A. No. 12/A & N of 1987.

Ms. Lily Thomas for the Appellant.

A.N. Jayaram, Additional Solicitor General, D.S. Mehra, A.S. Rawat and Ms. A. Subhashini for the Respondents.

The following Order of the Court was delivered :

Leave granted.

This appeal is filed against the order of the Central Administrative Tribunal, Calcutta Bench dated march 11, 1987 made in ND OA No. 12/A&N/87. The appellant claimed higher scale of pay as Head Compounder. Though the Health Department in Andaman & Nicobar Island had recommended to consider case for grant of special pay, the Government after elaborate consideration in proceedings dt. April 21, 1976 considered that question of prescribing any higher scale of pay for the post of Head Compounder in Andaman & Nicobar Island does not arise. The Tribunal has held that this being a policy decision, the Tribunal cannot give the direction to prescribe the higher scale of pay to the Head Compounder.

Ms. Lily Thomas, the learned counsel appearing for the appellant relying

upon Fundamental Rule 9(25) Clause 7(iii) contended that the appellant is entitled to the special pay on her with others which is being denied to the appellant. Shri A.N. Jayaram, the learned Additional Solicitor General appearing for the respondents stated that this grievance was not made by the appellant at any point of time. As a fact all those who are working in Andaman & Nicobar Island, as per the Fundamental Rules, are being paid Andaman special pay and the appellant is not discriminated on that account. Accepting the contention of the counsel for the respondents, we are of the considered view that the grievance of the appellant is not well founded. It is needless to mention that whatever direction that have been given by the Government of India under the Fundamental Rules for payment of special pay to the employees working in Andaman & Nicobar Island, they are entitled for the same and accordingly such special pay be paid to all the eligible persons including the appellant.

The appeal is dismissed with the above observations.

Appeal dismissed.