

PETITIONER:
SECRETARY TO GOVERNMENT OF ANDHRAPRADESH, FINANCE & PLANNING

Vs.

RESPONDENT:
P. ESWAR REDDY & ORS.

DATE OF JUDGMENT: 08/01/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIK (J)

CITATION:
1996 AIR 1059 1996 SCC (7) 396
JT 1996 (1) 566 1996 SCALE (1)477

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

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, 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allowance @ Rs. 150/- [which was later increased to Rs. 200/-] to the officers from whom residential attenders are withdrawn to enable such officers to employ a person/persons to attend to the needs of the officers in the discharge of official work at his residence.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 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 done 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.

JUDIS