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Central Administrative Tribunal, Principal Bench

Original Application No. 507 of 2002

New Delhi, this the 28th day of May, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Govindan S. Tampi, Member (A)

Shri Rajender Thakur,
Peon,
Ministry of Consumer Affairs
and Public Distribution
Department of Consumer Affairs
Govt. of India,
Krishi Bhawan, New Delhi

.... Applicant

(By Advocate: None)

Versus

Union of India, through

1. The Secretary,
Department of Consumer Affairs
Govt. of India,
Krishi Bhawan, New Delhi
2. Under Secretary,
Department of Consumer Affairs
Govt. of India,
Krishi Bhawan, New Delhi
3. Shri Bihari Lal,
Car Driver,
Department of Consumer Affairs
Govt. of India,
Krishi Bhawan, New Delhi

.... Respondents

(By Advocate: Shri H.K. Gangwani)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant is a peon in the office of respondents. By virtue of the present application, he seeks a direction to consider his claim on the post of Staff Car Driver in preference to juniors and outsiders and further a direction should be issued to pay and release the salary of a Driver as has been paid to respondent no. 3.

2. Applicant has contended that he had been asked to perform the duties of a Driver and was paid honorarium of

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Rs.4/- per day for performing those duties. Presently he apprehends that one Bihari Lal, respondent no.3 is being recruited as a Staff Car Driver. It is on these broad facts that the above said reliefs are being claimed.

3. In the reply filed, the respondents have contested the application. It is contended that there is no regular vacancy in the grade of Staff Car Driver in the department. Respondent no.3 is a regular senior Peon currently holding the post of Driver purely on ad-hoc basis. Applicant who is a regular senior peon in the department was appointed as Staff Car Driver on ad-hoc basis for a period of three months against a short term vacancy but was reverted to his substantive post on joining of the regular incumbent.

4. During the course of submissions, on behalf of the respondents, it was pointed that whenever the applicant was made to work as a Staff Car Driver, he was paid honorarium at the rate of Rs.4/- per day in addition to his salary of senior Peon in accordance with the instructions. Our attention has been drawn towards the Govt. of India, Department of Personnel & Training O.Ms. dated 25.2.88 and 5.10.89 which indicate that in such an event when Group 'D' staff discharges the duties of a Staff Car Driver, they can be paid honorarium at the rate of Rs.4/- per day.

5. Therefore when such a payment has been made, we find nothing illegal on the part of respondents in this regard.

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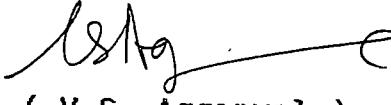
6. As regards appointing the applicant as a Staff Car Driver, learned counsel for the respondents stated that presently there is no vacancy. Whenever a vacancy in the grade of Staff Car Driver occurs, the claim of the applicant, on his representation, would be considered in accordance with rules and on its merits.

7. Keeping in view the aforesaid, on that count, no further direction is required to be issued.

8. Resultantly, for these reasons, we reject the claim of the applicant regarding the pay and allowances to be paid to him of the post of Staff Car Driver but as stated at the Bar on behalf of the respondents, direct that if there is a vacancy of Driver that may arise, on the representation of the applicant, his claim shall be considered in accordance with the rules. O.A. is disposed

of
(Govindan S. Tampi)
Member (A)

/dkm/


(V.S. Aggarwal)
Chairman