

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2530/1998

New Delhi, this 17th September, 1999

Hon'ble Shri S.P. Biswas, Member(A)

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Narbada Prasad Dubey  
R.B.II, Rly Quarter  
Ballapgarh, Faridabad(Haryana) .. Applicant  
(By Shri H.P.Chakravorty, Advocate)

versus

Union of India, through

1. Chairman  
Railway Board  
Rail Bhavan, New Delhi
2. Financial Advisor & CAO  
Central Railway,  
Mumbai CST
3. Sr. Divisional Accounts Officer  
Central Railway  
DRM's office, Jhansi .. Respondents

(By Shri P.S. Mehandru, Advocate)

ORDER

Background facts of this case are as under. Pursuant to the implementation of the recommendations of the 4th Pay Commission in September, 1987, the difference in the arrears of Leave/Mileage Allowance (LMA for short) for running staff of Locomotives & Traffic Department (Drivers and Guards) were to be worked out for a period of 16 months with effect from 1.1.86 to 25.9.87. The work involved was voluminous and required 100% internal checks from actual pay bills. Regular officials were reluctant to carry out the job and the payment of arrears was delayed for more than one and a half years since the workload needed additional hands for calculation itself. The matter ultimately was referred to the Railway Board and assurance was given by the General Manager that the said arrears will be paid to the staff by the end of the financial year 1987-88.

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Keeping in view the complexity of work, respondents gave an assurance of paying due honorarium to the staff involved in discharging the functions by obtaining sanction of the competent authority. Pursuant to protracted correspondences between the Division and the hqrs., sanction for payment of honorarium was accorded by an order dated 1.4.91. As per the scheme, dealing assistants in Personnel and Accounts Depaprtments were to be granted Rs.4 and Rs.2 for each case respectively. Applicant was Assistant in the Accounts Department and was therefore was due for payment of honorarium at the rate of Rs.2 for each completed case of payment of arrears. applicant claims that he had completed 3808 cases and therefore due for Rs.7716 since the entire work was completed by him by April, 1988.

2. Based on the Scheme (A-5) applicant claims that he should have been paid Rs.7716 but against that he has been paid only the following amounts:

During 1991-92 .. Rs.2332/-

Paid on 23.2.95 after receipt of

GM's sanction .. Rs.5000/-

3. Applicant claims that payment was due to him by the end of April, 1991 but was paid in August, 1992 (Rs.2332) and in March, 95 (Rs.5300). He, therefore, prays for interest at the rate of 24% on the whole amount from the date it became due to him (i.e. 1991) till actual payment. He also seeks issuance of directions to the respondents to release a sum of Rs.384

(12)

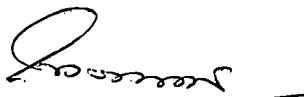
against principle amount of the honorarium. Applicant's claim is based on the fact that he had to do the work by sitting late at night, on holidays besides doing regular routine work. Applicant would contend that he had submitted as many as 13 representations between 4.10.91 and 11.11.97 but the respondents decided to turn deaf ears to his appeals.

4. Respondents have submitted that payment of honorarium is not a matter of policy as alleged. The same is governed by special rules and instructions. Honorarium to the railway officials are to be paid in terms of Rule 1334(b) of the Indian Railway Establishment Code Vol.II 1990. As per the provisions in the aforesaid rule, payment of honorarium for such work is not part of the policy decision by the respondents. Consideration for payment of honorarium is occasional and that too subject to sanction by the competent authority. Respondents do not deny that the applicant had claimed honorarium for Rs.7716/- for 3808 cases but the applicant could not produce evidence/details in respect of 1701 cases. Applicant's claim for 1491 cases remained unverified and disputed. Applicant has failed to maintain a requisite records and produce the same for verification and that was the only reason for which the balance amount could not be paid. It is also submitted that the delay in making payment of honorarium to the applicant occurred on account of his failure to maintain the requisite records and produce the same for the purpose of verification of exact number of cases dealt with by him.

(B)

5. What we find is that so far as the applicant is concerned, cause of action has arisen in 1992 when payment was made in August whereas the same was to be paid by April. Applicant had yet another cause of action in March, 1995 when the second lot of honorarium was paid to him. Applicant decided to remain silent. It is true that he had made repeated representations after March, 1995. It is well settled in law that repeated representations do not obviate bar of limitation. It was for the applicant to have agitated the issue by March, 1996 alongwith verified/acceptable documents. Applicant decided to remain silent for almost 3 years. That apart, we find that honorarium cannot be claimed as a matter of right.

6. In the result, the OA deserves to be dismissed and I do so accordingly. No costs.

  
(S.P. Biswas)  
Member (A)

/gtv/