

Central Administrative Tribunal  
Principal Bench

GA-1900/95

New Delhi, the 8<sup>th</sup> Feb, 1996

Hon'ble Shri B.C. Saksena, Vice Chairman (J)  
Hon'ble Shri R.K. Ahooja, Member (A)

Jag Mohan Bhandari  
S/o Late Sh. RSD Bhandari  
H.No. 8, T-Block Shukker Bazar  
Uttam Nagar, New Delhi. 59

.. Applicant

(Advocate:

versus

Union of India through  
Secretary (Def)  
Min. of Defence  
South Block, New Delhi.

2. Secretary (DP&S)  
Deptt. of Defence Production  
and Supplies, South Block  
New Delhi. 1100011.

3. Sh. SK Mukhopadhyaya  
Director, SAG L.II  
Dte. of Quality Assurance (DGQA)  
R.No. 53, G-Block DHQ PO  
New Delhi. 110011.

4. Sh. RB Sagar  
UUC DGQA (Coord)  
R.No. 32, H-Block DBQ  
Post Office, New Delhi.

.. Respondents

(Advocate: Sh. MM Sudan for the  
respondents.)

ORDER

Hon'ble Shri R.K. Ahooja, Member (A)

The applicant while working as an Asstt.  
in the Directorate General of Quality Assurance (DGQA)  
under the Ministry of Defence was directed, in May 1994  
by his superior Sh. Chhote Lal, Asstt. Director (Coord)  
to help in reconstructing the lost Service Book of

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the then Additional Director General Quality Assurance Shri Manoranjan Prasad who was due to retire on 31.7.1994 to facilitate the release of pensionary benefits. The applicant alleges that the said Service Book could not be reconstructed for the period July, 1987 to May, 1994 and when he brought the difficulty and laborious nature of work, to the notice of his Assistant Director, ~~who~~<sup>The</sup> latter assured him that his work would be rewarded suitably. While the applicant was able to complete the work of reconstructing the Service Book in question within the prescribed time, he alleges that he was not paid the agreed amount of compensation/honorarium of Rs.2,000/- which he claims now with interest. The applicant also alleges that the said honorarium amount was denied to him for ulterior reasons and claims a payment of Rs,50,000/- by way of compensation for the mental agony caused to him.

2. The respondents to whom notice was issued have denied the above allegations and have submitted that there is no ground for payment of honorarium in terms of FR 26(b) and FR 11 since the conditions for grant of honorarium are not met in the present case. They have also contested the claim of the applicant for award of Rs.50,000/- by way of compensation for mental agony since the same being in the nature of tort is not maintainable before this Tribunal.

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3. We have heard the applicant in person and Shri M. M. Sudan, learned ~~and~~ Additional Standing Counsel for the respondents. The applicant argued that the work of reconstructing the Service Book was laborious and painstaking is established by the fact that the same could not be done by the concerned section till it was assigned to him. He pointed out that in order to get the pensionary benefits released by the time of retirement of the officer, he had even to go personally to Allahabad to get the pension payment order issued. He controverted the claim of the respondents that the prior sanction for payment of honorarium had not been obtained and alleged that the respondents' statement that the relevant files have been lost was only a strategem to deny his rightful claim.

4. The learned counsel for the respondents drew our attention to FR 11 according to which the whole time of Govt. servant is at the disposal of the Govt. without claiming for additional remuneration and to FR 26(b) which provides that the Govt. may grant honorarium as remuneration for work performed which is occasional or intermittent in character and so laborious or of such special merits as to justify the special reward. This FR also provides that honorarium should not be given unless the work has been undertaken with the prior sanction of the Govt. and its amount has been settled in advance. He submitted that the Asstt. Director who agreed to

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grant the honorarium was not competent to accord prior sanction and even if there were any noting by that officer in the file to that effect, it could not be considered a valid prior sanction required under the rules.

5. We have considered the pleadings and arguments on both sides. Firstly, the claim for compensation of Rs.50,000/- is not maintainable since this would be in the nature of tort and is not covered by the provisions of ~~The~~ Administrative Tribunals Act, 1985. So far as claim of honorarium of Rs.2000/- is concerned, here to the case of the applicant is not admissible. The case of the applicant revolves around the services rendered by him to the respondents in completing the service Book of one officer. The applicant has not made out that while he was engaged in the work of Service Book, he was also engaged in other routine work of his stat, and thus the payment of honorarium was justified on the basis that he was doing some additional work. As the respondents <sup>have</sup> stated ~~that~~ the work of reconstructing <sup>one</sup> Service Book could <sup>only</sup> be regarded as routine administrative work in which no honorarium has to be paid. Even if his superior, the Asstt. Director, agreed to accord him some compensation, it does not by itself create a claim in favour of the applicant. The orders of the Competent Authority had to be obtained to grant an honorarium

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before undertaking the work. It could otherwise be granted only in cases where as per FR 46(b) special reasons existed which had to be recorded in writing. Obviously, the Competent Authority did not find any special reasons in this case. The applicant has not in our opinion established that the work of completing a Service Book lies outside the routine function of ministerial staff. We, therefore, ~~are~~ do not find any reason to interfere in this case. Accordingly, the application is dismissed at the admission stage itself. There will be no order as to costs.

*R. K. Ahooja*  
(R. K. AHOOJA)  
MEMBER (A)

/RAO/

*B. C. Saksena*  
(B. C. SAKSENA)  
VICE-CHAIRMAN (J)