

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P. No. 312/99

IN

OA No. 3 of 1997

(26)

New Delhi: this the 30<sup>th</sup> day of JANUARY, 2001.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE MR. KULDIP SINGH, MEMBER (J)

R.L.Behal,  
S/o Shri S.L.Behal,  
R/o RZ-114-A, Street No.9,  
Sadh Nagar, Palam Colony,  
New Delhi-45

.....Applicant.

(Applicant in person)

Versus

1. Smt. Asha Das,  
Secretary to the Govt. of India,  
Ministry of Social Justice & Empowerment,  
Shastri Bhavan,  
New Delhi-1.

2. Shri Shailendra Pandey,  
Financial Adviser to the Ministry of Social  
Justice & Empowerment,  
Room No. 401, Shram Shakti Bhavan,  
New Delhi-1

....Respondents.

(By Advocate: Shri K.C.D. Gangwani)

ORDER

S.R. Adige, VC (A):

Heard both sides on C.P. No. 312/99 alleging  
contumacious non-compliance of the Tribunal's order  
dated 10.8.98 in OA No. 3/97.

2. In that applicant who is a P.S had impugned  
respondents' order dated 4.10.96 and had sought  
reimbursement of the actual cost of hiring of conveyance  
incurred in coming to office and going back on Sundays/  
holidays and at odd hours from August, 1994 till date.

3. The Tribunal in its order dated 10.8.98 held  
that the OA failed in terms of law and grounds taken

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by applicant, but nevertheless called upon respondents to reconsider providing reliefs to applicant by granting/sanctioning honorarium, within six months from the date of receipt of a copy of the order, under intimation to applicant.

4. Applicant filed CP No.312/99 in which it has been stated that pursuant to the aforesaid order dated 10.8.98 he had filed representation to respondents on 24.9.98 and on 24.5.99. He states that just before the 6 months' period was to expire, he received respondents' OM dated 2.2.99 informing him that he had already received honorarium from the Ministry on grounds of hard and arduous work which involved sitting late beyond office hours and coming to work on holidays. He states that immediately thereafter he was called by respondents and was informed that his case was being considered. He states that on 9.3.99 he submitted a bill for Rs.31,203.50P with a covering letter (Annexure-C/6) and that on 26.7.99 he also asked the Secretary as to the names and designations of the persons who were objecting to the grant of relief to him as per Tribunal's order dated 10.8.98 to enable him to file a Contempt petition, upon which an OM was issued stating that it had been decided to sanction him honorarium of Rs.5000/- for 1997-98 and sanctioning order dated 2.9.99 was issued to him for the aforesaid sum of Rs.5000/-.

5. Applicant asserts that this sum of Rs.5000/- which he refused to accept, falls far short of his claim of Rs.31,203.50, and by not sanctioning him the full amount, respondents have committed contempt of the Tribunal's order dated 10.8.98.

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6. It is not denied that as against applicant's total claim of conveyance charges amounting to Rs.31,203.50 P, he has been paid Rs.5400/- comprising Rs.1800 X 3 for the 3 years 1994-95; 1995-96 and 1996-97 @ Rs.150 per month. This ceiling of Rs.150/- p.m., for conveyance charges is in compliance of General Note 6 (1) of Annexures to Schedule V, Item No.3 relating to Conveyance Hire under Delegation of Financial Powers Rules, 1978, which the Tribunal in its order dated 10.8.98 has noticed and has not faulted. In addition to the sum of Rs.5400/- paid to applicant on account of conveyance charges, he has also been sanctioned honorarium of Rs.1800/- for 1994-95; Rs.5000/- for 1995-96; Rs.6500/- for 1996-97; and after the Tribunal's order dated 10.8.98, Rs.5000/- for 1997-98. This last Rs.5000/- has not been accepted by applicant, but it is not in doubt that applicant has been sanctioned Rs.5400/- towards claims on account of conveyance charges and Rs.18300/- as honorarium, which adds up to Rs.23700/-.

7. The Tribunal's order dated 10.8.98 only directed respondents to reconsider providing relief to applicant by granting/sanctioning honorarium. There were no directions in that order to reimburse applicant to the total extent of his claim, and under the circumstance, if respondents have sanctioned a sum of honorarium of Rs.5000/- to applicant, <sup>for 1997-98 within the parameters of rules/Instructions</sup> in addition to the Rs.5400/- sanctioned towards claim of conveyance charges, and Rs.18,300/- honorarium sanctioned to him earlier, it cannot be said that they have committed contempt of Court.

8. The C.P. is dismissed. Notices discharged.

*Kuldeep*  
( KULDIP SINGH )  
MEMBER (J)

/ug/

*Anil*  
(S.R. ADIGE)  
VICE CHAIRMAN (A).