

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1431/97

New Delhi, 20th February, 1998

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

Shri Narinder Pal Singh
17/12, Subhash Nagar
New Delhi-27

... Applicant

(By applicant in person)

versus

Union of India, through

1. Superintending Surveyor of Works
New Delhi Zone(I) CPWD
Nirman Bhavan, New Delhi

2. Deputy Secretary
Department of Bio-Technology
Ministry of Science & Technology
CGO Complex, Lodi Road, New Delhi

... Respondents

(By Shri Harvir Singh, proxy for Mrs.P.Gupta, Advocate)

ORDER

The applicant, Junior Engineer(Civil), CPWD, New Delhi, is aggrieved since the amount of honorarium of Rs.2000 sanctioned in his name by the Ministry of Science & Technology (Department of Bio-Technology) has not been paid to him. As per Annexure A-1 communication dated 25.3.97, the Department of Bio-Technology conveyed their sanction for the aforesaid honorarium for arduous work relating to the ICGEB project and requested the answering respondent No.1 (SE/Civil/CPWD/New Delhi) to draw the aforesaid amount in favour of the applicant herein and debit the amount against the Pay & Accounts Officer, DST, New Delhi. The applicant has taken the plea of being discriminated since similarly placed persons have already been paid the aforesaid honorarium.

2

8

2. A-1 sanction was apparently received by R-1 in end March, 1997 but processing of the case started only in December, 1997 after causing delay to the extent of about 9 months. When the proposals went to the Internal Finance, the P&AO(NDZ), CPWD appears to have turned down the proposal on 29.12.97 stating that

"order in the sanction as well as on the body of the bill is not operative under the payment control of this office".

3. It is seen that the applicant had sent two representations by A-3 and A-4 dated 25.3.97 and 4.9.97 respectively. Those representations did not evoke any positive response, much less a reply indicating the stand of R-1 on the subject.

4. I do not find any legally enforceable right of the applicant for claiming honorarium. A-1 communication has only raised a reasonable expectation for the applicant and that should have been addressed to by respondents to satisfy the principles of natural justice.

5. It is a case where the respondents could have prevented this avoidable litigation by either by offering the benefit to the applicant on the lines extended to similarly placed persons or by communicating the reasons as to why the sanction could not be operated. Neither of the two actions appears to have been taken by the respondents. Respondents, as a model employer, are to take reasonable attitude and a rational view of the whole thing and are expected to act as per settled law of land in the interest of better

9

④

relationship between master and the servant. This case does not deserve interference by the court/Tribunal since no legal enforceable rights have been infringed.

6. Hardly before the ink on the order/virews expressed by IFD ivision on 29.12.97 could dry, R-1 decided that

"this office has no alternative other than to approach/pray before Hon'ble CAT that suitable orders for making payment to the applicant may be passed on to R-2 as the sanction was accorded by them".

R-1 was required to pursue the matter on his own instead of encouraging the applicant to agitate the matter in the legal forum.

7. I have perused the records made available to us and I am of the view that alternative remedies available have not been fully availed of. R-1 could have taken up the matter to a higher level authority or resubmit the case to IF Dn. after consulting the authority issuing A-1 sanction. Instead he decided to approach the Tribunal for "suitable orders for making payment to the applicant". This is to be deprecated. At this stage, I am tempted to extract a passage from the judgement of the Supreme Court in the case of Ramana Dayaram Shett V. International Airport Authority (1979)3 SCC 489, which is as follows:

"It is well settled rule of administrative law that an executive authority must rigorously hold to the standards by which it professes its action to be judged and it must scrupulously observe those standards on point of invalidation of an act in violation of them"

✓


8. The Supreme Court called out the aforequoted rule from the judgement of Mr. Justice Frankfurter in *Viteralli V. Saton* (359 US 535) which was a case relating to dismissal of an employee from service. The principle enunciated in Raman's case has been extended to service jurisprudence by the Apex court in *B.S. Minhas V. Indian Statistical Institute* (1983) 4 SCC 582. Having promised payment of honorarium, the respondents are beholden to act on that, be it the original sanctioning authority or the one who has been asked to operate the sanction.

9. In the light of the above, OA is allowed and being disposed of with the following directions:

(i) R-1 shall initiate fresh action to process applicant's case with the help of details received from R-2;

(ii) Representation of the applicant shall be examined, a speaking order be passed on them and the applicant shall be informed of the position within two months after receipt of a copy of this order.

There shall be no order as to costs.


(S.P. Biswas)
Member (A)

/gtv/