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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO.OA 1842/89

Date of decision 30th April, 92.

Sh.D.R.Nim

Applicant

versus

Union of India & Ors. ..

Respondents

CORAM:THE HON'BLE MR.T.S.OBEROI, MEMBER(J)

For the Applicant ...

Applicant in person

For the Respondents ...

Mrs.Avnish Ahlawat,
Counsel.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

In this OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant, Shri D.R.Nim while performing the duties of Vice Principal, during the following periods, has claimed honorarium/allowance, for serving as Drawing & Disbursing Officer for the schools mentioned below:-

<u>Sl.No.</u>	<u>Name of the school</u>	<u>Period</u>
1.	Govt.Boys Middle School Sultanpuri, Delhi-41	19.5.83 to 15.5.85 (2 years)
2.	Govt.Boys Middle School "U" Block Mangolpuri, Delhi.	19.12.85 to 23.10.86 (11 months)
3.	Govt.Girls Sec. School, S.P.Road, Nangloi	Aug.85 to June 86. (10 months)

His case is that besides his usual duties as Vice Principal, he had put in extra work involving labour and energy and, he should, therefore, be paid honorarium/overtime allowance as per relevant rules.

2. In the counter filed on behalf of the respondents, the applicant's prayer has been opposed, stating that the applicant during the relevant period was functioning as Class II Gazetted Officer

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and as per rules no Gazetted Officer of Class I or II is entitled to any overtime/ allowance. It was further stated that it was a usual practice in schools that in order to relieve the Principal of his multifarious administrative duties, other administrative work is distributed to other members of the teaching staff, and the work of Drawing and Disbursing Officer is used to be normally entrusted to the Vice Principal, who being a Gazetted Officer, as earlier stated, was not entitled to any additional allowance or honorarium. It was further contended that though this practice is prevalent in most of the schools of Delhi Administration, there has not been any instance in which such allowance or honorarium might have been paid to any such officer, who had worked as Drawing & Disbursing Officer.

3. Rejoinder has also been filed by the applicant, in which he has reiterated his submissions, as made in the OA.

4. I have heard the applicant, who personally argued his case, and Mrs. Avnish Ahlawat, the learned counsel for the respondents. Their respective contentions were the same, as contained in the OA and the counter, as briefly mentioned above and need not be dilated upon again to avoid repetition.

5. From the perusal of the material on record, it is noticed that the applicant has represented about the grant of honorarium/overtime allowance to only the Education Officer, Zone II, District North, Lancer Road, Delhi Administration, Delhi as per reply of the latter (Annexure p-1, page 8

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of the OA), though the applicant has not/^{even} placed on record a copy of his representation sent by him to the said authority. It is, therefore, not possible to ascertain as to what submissions he had made in the said representation. Apparently, the claim of the applicant relates to the year 1983 to 1986 whereas the representations made by him, as mentioned in Annexure P-1, are dated 14.7.88 and 27.7.88, which prima facie seem to be much belated and hence time barred. Apart from that after rejection of applicant's case by the Education Officer of Zone II, District North, the applicant does not seem to have taken up the matter further, with the higher authorities concerned. Being a matter relating to policy, involving a large number of schools, he should have submitted a self-contained representation to the higher authorities to examine the matter, with all implications involved, duly supported with instances, if any, for which such allowance might have been allowed. From the material on record, except merely mentioning that the work done by him involved labour and consumed enough time, there is no precise indication as to how much work was actually involved, while the applicant attended the above-mentioned duties, as Drawing and Disbursing Officer, and whether it justified any grant of allowance or honorarium in accordance with the rules. Apparently, as submitted by the learned counsel for the respondents, no such allowance is admissible to a Gazetted Officer as the applicant was, during the relevant period.

6. As a result of the foregoing, the application is declined with no order as to costs.

Bevi 30.4.92
(T.S.OBEROI)
MEMBER(J)