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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1365/88

New Delhi this 13th May, 1994

CORAM:

Hon'ble Mr. S.R.Adige, Member(A)

1. Shri B.D.Tyagi S/o Shri H.S.Tyagi,
aged 50 years working as Assistant Director,
Ministry of Finance, Govt. of India, Department
of Expenditure, Resident of Village Burari,
Delhi.
2. Shri A.K.Sachdev, aged 36 years, working
as Research Assistant, Ministry of Civil
Aviation, Sardar Patel Bhawan, New Delhi
R/o 7/187, Ramesh Nagar, New Delhi.
3. N.C.Chaurasia, aged 30 years, working as
Junior Hindi Translator, Ministry of Civil
Aviation, Sardar Patel Bhawan, New Delhi.
R/o M-375, Sarojini Nagar, New Delhi-110023.
4. Autar Singh, aged 50 years, working as
Assistant, Ministry of Civil Aviation,
Sardar Patel Bhawan, R/o B-114, Sarojini Nagar,
New Delhi.
5. Shri Sukhbir Singh, working as LDC,
Ministry of Civil Aviation, Sardar Patel Bhawan,
New Delhi, R/o 40A, Phase II, Katwaria Sarai,
New Delhi.
6. Smt. Rameshwari Devi, aged 28 years, working
as LDC, Ministry of Civil Aviation, Sardar Patel Bhawan
New Delhi.
7. Shri K.S.Dalal, aged 30 years, working as
UDC, National Airport Authority, Safdarjang Airpor,
New Delhi.

3. Shri M. S. Tehlan, aged 49 years, working as Assistant Director (O.L.), National Archives of India, Jangpeth, New Delhi. ... APPLICANTS
By Advocate Shri Mahesh Srivastava

AND

1. Union of India, Service to be effected through Secretary, Ministry of Civil Aviation, Sardar Patel Bhawan, New Delhi.
2. Secretary, Ministry of Finance, Department of Expenditure, North Block, New Delhi.
3. Director, National Archives of India, Jangpeth, New Delhi - 110001.
4. Chairman, National Airports Authority, Safdarjung Airport, New Delhi. ... RESPONDENTS
By Advocate Shri V. S. R. Krishna

J U D G M E N T

In this application, Shri B. D. Tyagi and seven others have impugned the orders of recovery of honorarium paid to them during the years 1981-82 and 1982-83.

2. The applicants, while working in the Hindi Section of the Tourism & Civil Aviation Ministry were paid honorarium for 1981-82 and 1982-83 for translation work of the performance budget of that

Ministry. They contend that this honorarium was paid to ^{them} in accordance with rules, for work which was not a part of their normal and routine duties, but was of occasional nature and intermittent character and they were fully justified in receiving the same, as they had sacrificed their holidays to complete the ^{same} list. They contend that payment was made after it was certified that the work was ^{of} occasional nature and special in character, involving heavy duties and responsibilities, and after paying due regard to General Principles enunciated in F.R.11. They also contend that in the sanctioning order it was certified that no overtime allowance had been paid for the work, and the honorarium was being paid under the presidential orders dated 21.4.82 after getting approval of the Secretary of the Ministry. In spite of that, steps had been taken to effect the recovery of the said honorarium, which they claim was illegal and arbitrary.

3. The respondents contend that the recovery is being made because translation work, vetting of drafts, typing in Hindi etc. are normal and routine items of work for the Hindi Section Staff. It is averred that overtime allowance was paid to the applicants for such work, and apart from this work not being occasional in nature or intermittent in character, or being outside the sphere of normal duties and responsibilities of the applicant, they cannot enjoy the benefits of both overtime allowance and honorarium for the same work. The respondents justly and fairly acknowledge that they erred in certifying that no overtime allowance had separately been paid for this work, and in obtaining the Departmental

Secretary's approval to the disbursement of the honorarium, but when the error was detected, the matter was thoroughly re-examined, and the decision to recover the honorarium illegally paid was taken, after giving full consideration to the representation against recoveries submitted by the applicants.

4. I have heard Shri Mahesh Srivastava for the applicant and Shri Krishna, learned counsel for the respondents.

5. As stated by the applicants in their rejoinder, the question to be determined is whether the work of typing, editing, comparing and translating into Hindi of the performance budget by the Hindi Section Staff of the Ministry is work outside their normal and routine sphere of duties or not. There can be no doubt that this work falls within the normal, and regular sphere of duties of the applicants. In fact, the duties and responsibilities of the officials in the Hindi Section of a Ministry ^{may involve} are required to do just this type of work viz. translate documents in English into Hindi, besides editing, typing and comparing such documents. If this work which was a part of their normal duties, was somewhat heavy, and involved the applicants having to put in duty outside office hours, they have been paid overtime allowance for the same (Annexure I to the counter affidavit) and cannot legitimately claim honorarium for the same work, too. Merely because the payment of honorarium was sanctioned through a Presidential order after obtaining the approval of the Departmental Secretary and it was erroneously certified that the applicants had not been paid overtime allowance for the same work, it does not

mean that the error once detected cannot be corrected. In fact, no Govt. employee has a right to retain any sum of money which is detected to have been wrongly disbursed to him, and Govt. has every right to recover the same from him in accordance with law after observing the rules natural justice. In this case, it is noticed that full opportunity was given to the applicants for representing against the recoveries, which were given careful consideration before rejection.

6. In the result, I see no reason to interfere with the impugned order and this application is dismissed. The interim orders, passed on 29.7.88 and thereafter extended from time to time are vacated. Before parting with this case, it may be observed that it will be open to the respondents not to press for recoveries in full or in part, having regard to the relatively small sums involved and the length of time that has elapsed since the disbursements were made. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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