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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. CCP 120/91 in
D.A. 1445/87

DATE OF DECISION: 6.8.1991

Krishan Lal

... Petitioner.

Versus

S.M. Vaish & Ors.

... Respondents.

CORAM: THE HON'BLE MR. JUSTICE AMITAV BANERJI, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

(Judgement of the Bench delivered by
Hon'ble Mr. Justice Amitav Banerji,
Chairman)

This CCP arises out of a decision of the Tribunal
in D.A. No. 1445/87 dated 1.6.1990. It is stated in the
CCP that the order of this Bench dated 1.6.1990 has not
been implemented. It is further stated that the copy of
the aforesaid judgement along with a detailed representation
had been sent to the respondents to fix a monthly honorarium
and make the payment to the petitioner in compliance with
the directions of the Tribunal in the D.A. The petitioner's
case is that he had also sent a reminder on 5.10.1990, but
there was no response. Reference was made to the order of
this Bench of the Tribunal to the effect that the respondents
have to consider the payment of a fixed sum calculated at
fixed monthly honorarium to the petitioner for the period he
looked after the responsibility of the Head Goods Clerk in
a supervisory capacity. The allegation in the CCP is that
this has not been complied with.

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In response to the notice issued on the CCP Shri B.K. Aggarwal, learned counsel for the respondents, appeared and stated that a sum of Rs.552/- had been sent by a cheque No. 173764 dated 15.7.1991, to the applicant, and there was thus a full compliance with the order of the Bench dated 1.6.1990. He, therefore, prayed that the notice issued to the respondents be discharged and the CCP be dismissed.

Shri B.S. Maini, learned counsel for the applicant, pointed out that the applicant was the Station Superintendent, Northern Railway at Sansi Railway Station. The Head Goods Clerk at Sansi had retired from service w.e.f. 30.6.1984. No Head Goods Clerk was posted by the Divisional office in place of the person who had retired. The applicant looked after the work of the Head Goods Clerk in addition to his own duties. This continued till the applicant retired from service. The applicant prayed that he was entitled to monetary benefits for the work and responsibility undertaken by him. This Tribunal had appreciated the position and made a direction. The respondents instead of looking into the matter carefully and sympathetically had forwarded a cheque of Rs.552/- as a lump sum payment. He had asked for Rs.10,062/- with interest. Learned counsel contended that the petitioner should have been given much larger amount than the amount which had been given to him.

Shri B.K. Aggarwal, learned counsel for the respondents, contended that the applicant was not entitled to be paid any amount, but a sum of Rs.552/- was calculated according

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to the rules and paid in pursuance to the directions of the Tribunal. A sum of Rs.552/- has been calculated on the basis of the average pay for the last 10 months of his service.

Our directions in the order dated 1.6.1990 were very clear. We had directed payment of a fixed sum calculated on the basis of a monthly honorarium for the period he looked after the responsibilities of the Head Goods Clerk. The respondents take the plea that they had complied with according to the Railway Rules and not more than 10% of the pay of the person, namely, the applicant could be given as honorarium. This was 10% pay of the amount calculated on the basis of ten monthly pay and the amount came to Rs.552/-, and that had been paid to the applicant. We have not been shown any provision, which entitles the applicant to/paid a bigger sum. The question of paying the salary of the Head Goods Clerk does not arise. The question of payment for overtime also does not arise under the Rules. The stand taken by the Railway is that the maximum that could be paid under the Rules had been done.

We feel that the stand taken by the Railways is correct. In the absence of any provision or Rules enabling the Railways to pay higher amount, we do not see how a bigger amount can be paid to the applicant. However, it is also clear in this case that the order passed by this Bench on 1.6.1990 was not complied with for over a year. Whatever the amount, it should have been calculated and promptly paid.

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We think that the Railways have been tardy in imple-
menting our order and we will/fully justified in awarding
the cost to the applicant for he has been forced to come
to the Tribunal again to seek relief. We, therefore,
direct the respondents to pay a sum of Rs.1000/- (Rupees
one thousand only) as cost to the applicant within a
period of one month of the receipt of a copy of this
order. We order accordingly.

Notice issued to the respondents on the CCP is
hereby discharged.

Subhash
(I.K. RASGOTRA)
MEMBER(A)
6/8/91

AMITAV
(AMITAV BANERJI)
CHAIRMAN

'SRD'

Pronounced by me in the open court today, the 6.8.1991.

Subhash
(I.K. Rasgotra)
Member(A)
6.8.1991