

7

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

L.A.No.2562/93

New Delhi, this day the 23rd March, 1994.

HON'BLE SHRI P.T.THIRUVENGADAM, MEMBER (A)

Shri N.Prasanna Kumar
s/o late Shri KV Nair,
House No.250-C, Pocket-C,
Mayur Vihar-II,
New Delhi

.. Applicant.

(By Shri George Paricken, Advocate)

Vs.

1. Union of India, through:

Secretary,
Ministry of Finance,
Department of Expenditure,
North Block, New Delhi.

2. Chief Controller of Accounts,

Ministry of Finance,
North Block, New Delhi.

.. Respondents.

(By Shri ML Verma, Advocate)

ORDER

HON'BLE SHRI P.T.THIRUVENGADAM, MEMBER(A).

The applicant has been working as a Stenographer in the office of the Chief Controller of Accounts, Ministry of Finance, Department of Economic Affairs. It is the case of the applicant that his services were placed at the disposal of the office of the Minister of State (Expenditure) on an informal basis. His pay and allowances were drawn in his parent office, namely, the office of the Chief Controller of Accounts, Ministry of Finance during the entire period of his service in the office of the Minister of State for Finance (Expenditure) i.e. during the period July, 1991 to January 1993. While being attached to the office of MOS(E) the applicant had to perform work outside office hours and was regularly submitting his over time allowance bills on the basis of the sanctions issued by the Private Secretary to the MOS(E). It is the case of the applicant that his O.T.A. bills have not been passed and payment

has not been made to him.

2. In addition, payment of Rs.3000/- sanctioned as honorarium on the recommendation of the then MOS(E) has not been made so far. This O.A. has been filed with a prayer for direction to Respondent No.2 to pay the applicant over time allowance as per bills submitted by him from July 91 to January 93 and also make payment of the honorarium of Rs.3000/- sanctioned by the Additional Secretary (Expenditure). Prayer for payment of interest @ 12% for delayed payment has also been made.

3. During arguments the 1d. counsel for the applicant mentioned that similarly placed stenographers who are attached informally with the Minister have been paid similar amounts by the respective departments wherefrom they were released on informal basis. It is the case of the applicant that the respondent has taken a number of pleas for rejecting his claims stating that the arrangement of posting the applicant is irregular and there is inadequate provision in the budget for meeting the claims made by the applicant. The amount of over time allowance claimed is of the order of Rs.9000/- or Rs.10,000/- for the entire period ~~of about one and a half years~~ and it is the responsibility of the respondents to make payment to the applicant when the respondents have paid the salary and allowances to the applicant for the entire period. In the same way the honorarium amount may also be paid to the applicant by the respondents.

4. The 1d. counsel for the respondents mainly stressed that the applicant had been posted to the Minister without any specific posting orders and as per the orders of the Financial Adviser and the Additional Secretary (Personnel) Deptt. of Expenditure, Over time allowance was not admissible in his case.

It has also been contended that no sanction for payment of honorarium had been received in the office of Respondent No.2.

1d.

5. I have heard the/counsel and am not impressed by the argument that the overall arrangement of the posting of the applicant was irregular. It has not been disputed that salary for the applicant has been borne by his parent department, namely, the Department of Expenditure. From the note dated 9-3-92 (An.Rg3) attached to the reply, it can be clearly seen that the pay and allowances of the applicant were drawn by the parent office. In this note marked to PS to MOS(E), a request has been made that the applicant may be relieved of his informal duties and directed to rejoin the parent office.

6. In the exigencies of service, the staff are posted on informal basis to other offices like that of the Minister. It would not be proper to make the staff to suffer by stopping the payment of OTA bills etc. It is for the parent department/where the employee has been working even on informal basis as to who should bear the expenditure for various items, e.g., salary, OTA, honorarium, etc. On this account of non-settlement regarding sharing of expenditure, payment to the employee should not get unduly delayed. only The employee can seek payments from his parent department particularly since he has already been repatriated to his parent department. It would therefore be fit and proper to direct the respondents who are the direct employers of the applicant to check/over time allowance bills as well as honorarium and pass the same and make payment to the applicant after necessary verification. The payment

should be made within two months from the date of receipt of this order.

7. In the circumstances of the case, there will be no order as to the interest on delayed payment. The O.A. is disposed of accordingly. No costs.

P. T. Thiru

(P.T.THIRUVENGADAM)
Member (A).