

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 545/1990  
~~K.A.X.N.K.~~

189

DATE OF DECISION 20-6-1991

K Aboobacker Applicant (s)

Mr TP Manilal Advocate for the Applicant (s)

Versus

Union of India rep. by the Respondent (s)  
Secretary to Government,

Ministry of Steel & Mines,

New Delhi and others.

Mr VV Sidharthan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

Shri N Dharmadan, J.M

The applicant who is working as a Special Grade Driver in the Geological Survey of India has filed this application under Section 19 of the Administrative Tribunal's Act of 1985 for a declaration that he is entitled for the benefit of maximum amount of honorarium to be paid to a Driver working in the Geological Survey of India.

2 The applicant was regularly appointed as a Driver w.e.f. 4.11.63. He was promoted by the Departmental Promotion Committee as a Special Grade Driver and was given an honorarium of Rs 300/-

as per Annexure A1 proceedings of the Director of Geological Survey of India, Edapally (R-3) dated 22.12.88.

This was not accepted by the applicant on the ground that this does not cover the full amount to be paid as honorarium to a Special Grade Driver. According to him the full amount would be around Rs 500/-. He submitted that the Drivers <sup>who</sup> were getting lesser pay than the applicant in other wings were paid higher amount of honorarium. Accordingly, he submitted various representations for getting increased amount of honorarium.

This was considered and the applicant was given

Annexure A6 intimation by the Director of Geological Survey of India, OME & MG Wing, Edapally (R-3) wherein it has been stated that honorarium is permitted by the competent authority for performing special work of occasional or intermittent nature. It is not strictly related to seniority or basic salary. However, his representation at Annexure A5 has been forwarded to the Deputy Director General, Marine Wing, Geological Survey of India, Calcutta (R-2). He is the competent authority to sanction honorarium as claimed by the applicant.

Since the applicant did not get any further intimation, he has filed Annexure A7 request through a Lawyer. It is at this stage the applicant has filed this application


for a declaration that he is entitled to honorarium to the maximum amount.

3 The respondents have filed a detailed counter affidavit denying the allegation and averments made in the original application. So far as Kerala area is concerned, <sup>since</sup> the Drivers are not entrusted with special work the maximum amount of honorarium is not being paid to Special Grade Drivers in Kerala State.

4 Considering the facts and circumstances of the case, we are of the view that it is not necessary for us to go into the merits of the case and decide the issues raised by the applicant in view of the fact, which is ~~xxxxxxx~~ stated in Annexure A6, that the representation of the applicant at Annexure A5 has been forwarded to the competent authority namely, R-2, it is for R-2 to consider and pass appropriate orders in this behalf.

5 Having regard to the facts and circumstances of the case we are of the view that this application can be disposed of without deciding the issue with the following directions. The Respondent-2 shall consider and pass appropriate orders on Annexure A5 representation which has already been submitted before him as indicated

in Annexure A6. This shall be disposed of by the Respondent-2 within a period of two months from the date of receipt of a copy of this order. The application is disposed of accordingly and there will be no order as to costs.

  
20.6.91

(N Dharmadan)  
Judicial Member



(NV Krishnan)  
Administrative Member

20-6-1991