

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.209/2002.

Thursday this the 19th day of August 2004.

CORAM:

**HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER**

1. All India Naval Clerks Association represented by its General Secretary, K.S.Babu, UDC, Southern Naval Command, Kochi.
2. M.M.Bhaskara Kurup, UDC, INS Dronacharya (Attached to Command Works Office).
3. G.Manohaan, LDC. Command Canteen & ESMA office, Naval Base P.O., Kochi.
4. P.R.Latha, LDC, Headquarters, Southern Naval Command, Kochi. Applicants

(By Advocate Shri S.Radhakrishnan)

Vs.

1. Flag Officer Commanding-in-Chief, Southern Naval Command, Cochin-4.
2. Union of India represented by the Secretary to Government of India, Ministry of Finance, New Delhi.
4. Administrative Officer Grade II, Civilian Administrative Office, Head Quarters, Southern Naval Command. Kochi-4. Respondents

(By Advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 19.8.2004, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The first applicant is the All India Naval Clerks Association represented by its General Secretary and the applicants 2,3 and 4 are the members of the Association working in the Naval Base Cochin. They have filed this application

challenging the communication dated 7.2.2002 (A1) directing all the employees to open Bank Accounts preferably in the Banks situated within the Naval Base Premises and receive their monthly salaries/payments only through the Bank and A-8 order dated 25.3.2002 of the 3rd respondent reiterating the above requirement and informing that if no Bank A/c is opened and intimation given, no cash payment would be made, but payment would be made only by cash cheque. It is stated in the application that there is no rule or instruction compelling the employees to receive salary only through Bank and no option has been exercised by them to do so and therefore, the respondents have no authority to insist the employees for opening Banks A/c and receive salary only by Cheque.

2. The respondents contend that as a matter of administrative convenience, the system of payment of salary through Bank A/c has been introduced, that it is permissible in terms of Rule 29 FR Part I and that there is absolutely no reason why the applicants should not comply with the order. The application therefore, is to be dismissed, contend the respondents.

3. We have heard Shri S.Radhakrishnan, the learned counsel of the applicants as also Shri C.Rajendran, Senior Central Government Standing Counsel appearing for the respondents. In an identical case decided by the Tribunal in O.A.6/2003 where the respondents were party, it was held that, in the absence of any rule or instruction to the effect, an employee cannot be compelled to receive his payment only through Bank. Further there is no case for the respondents that the Individual Running Ledger Account System has been introduced in the department.

They have no case that the applicants have given option to receive their salary through Bank either. Even going by what is contained in Annexure R-1, unless the employees opted to receive salary through Bank, they cannot be compelled to receive salary only through Bank A/c. This is evident from Note 3 of Annexure R-1 Extract of the Rule 29 of FR Part (I).

4. In the light of what is stated above, we allow this application, set aside the impugned orders and direct the respondents to allow the applicants to draw their salaries in cash, unless they opt for payment of salary through Bank. No costs.

Dated 19th August, 2004.

H. P. DAS
ADMINISTRATIVE MEMBER

A. V. HARIDASAN
VICE CHAIRMAN

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