

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH.

Original Application No.413/2001.

Thursday, this the 27th September, 2001.

Hon'ble Shri B.N.Bahadur, Member (A).

Antony Ben,
Tally Clerk,
Embarkation HQ Mumbai,
Docks Branch,
179 P. D'Mello Road,
Mumbai - 400 001.
(By Advocate Shri K.S.Kallapura)

...Applicant.

v.

1. Union of India, through
the Secretary,
Ministry of Defence,
South Block,
New Delhi - 110 001.

2. The Quartermaster General,
Army Headquarters,
DHQ PO,
New Delhi - 110 011.

3. Colonal Ranjit Prasad,
Colonal Commandant,
Arohan Mukhyalaya,
Embarkation Headquarters,
P.B. No.331,
Mumbai - 400 001.

...Respondents.

(By Advocate Shri R.R.Shetty
for Shri R.K.Shetty)

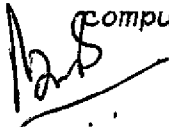
: O R D E R (ORAL) :

Shri B.N.Bahadur, Member (A).

This is an application made by the Applicant Shri Antony Ben, Tally Clerk at the Embarkation Headquarters, Mumbai Docks Branch in Mumbai. This Organisation is under the Ministry of Defence of the Union Government.

2. The applicant has come to this Tribunal seeking the following reliefs :

"(a) This Hon'ble Tribunal may be pleased to order/direct the respondents to pay compensation in respect of compulsory duties imposed on the applicant and carried



out by him till filing of this application not more than five lakhs or more amounts found suitable and appropriate by this Hon'ble Tribunal.

(b) Pending hearing and final disposal of the Application, directions may please be issued to the Respondents to specify the duties of a Tally Clerk at par with other government organisations and restrict the duties of the Applicant to that of a Tally Clerk."

3. I have perused the papers in the case filed on behalf of both sides, and have heard Learned Counsel for the Applicant Shri K.S.Kallapura, and Shri R.R.Shetty for Shri R.K.Shetty for the Respondents. The facts, as gleaned from the above, are in a short compass, in that, the applicant has a grievance which could be described in two parts viz. the first being that the duties of Tally Clerk are far too onerous and unfairly heavy and that it is necessary for the respondents to prescribe clear-cut duties of Tally Clerks. This point was argued strenuously by Learned Counsel Shri Kallapura with reference to the duties as listed in the documents produced by him at page 12 and 13 which carries the heading "Duties of Tally Clerk". The second part of the grievance is that the duties of Tally Clerks should be comparable to the duties of similarly placed persons in other Organisation like Bombay Port Trust etc. as described in para 5 of the OA.

4. Learned Counsel for the Applicant made the point that the duties are extremely harsh and specially pointing out to the last clause i.e. Clause No.16 on page 13 of the aforesaid document which reads as "Any other duty as assigned by their superior authority". This clause Shri Kallapura felt was of a very open-handed in nature and hence unfair. Shri Kallapura then took me over para 5 of the OA to point out how the duties



of Tally Clerk in BPT were, and what work they were asked to do.

5. The stand of the Respondents in their written statement of reply and as taken by their Learned Counsel in argument is that the Applicant is not doing any extra work and is doing normal duties like other Tally Clerks. It is also pointed out that the duties of Tally Clerks have been in force since 1947 and that the applicant and other persons placed like him have been performing these duties. Hence, the filing of this OA after 12 years is questioned.

6. It is also the contention of the Respondents that this is a matter of policy and this cannot be made as a grievance before the Tribunal/Court of Law. Further details are incorporated by Respondents in their written statement of reply.

7. I have carefully considered the written pleadings made on behalf of both sides and the arguments made before me by Learned Counsel for the respective sides. After careful consideration, I can immediately come to the conclusion that there is absolutely no force in the Application made. To question that the work prescribed for a particular category of government servant is too harsh as it is a kind of a grievance that cannot lie before this Tribunal. It is a point correctly made by Respondents that this is in the realm of policy and I would certainly not consider it as a part of Tribunal's work to lay down what kind or quantum of work should be prescribed for any

Bent

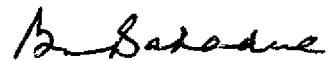
government servant or set of government servants. Suffice it to say, that a perusal of duties does not lead one to the conclusion that any illegal or arbitrary or unreasonable work has been listed among the duties.

8. Similarly, I have carefully considered para 5 of the OA. It is not the function of the Tribunal to compare the work load and job charts of various categories of personnel in different government organisations. No further detailed arguments are necessary to dismiss this contention.

9. In fact, I am constrained to comment that this kind of application lies within the realm of frivolous litigation which people like the applicant should be well advised to avoid.

10. If, however, it is ever the case of the applicant that he has some grievances personal to him, it is open for him to make such grievance to his superior authorities who will look into his grievances and decide his application, on merits and in accordance with Rule. However, no directions can be given to Respondents even in regard to representation.

11. The OA is dismissed. No costs.



(B.N. BAHADUR)
MEMBER (A)

B.