

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 934/93

Transfer Application No: --

DATE OF DECISION:

18/8/94

T.L.Naik

Petitioner

Mr.S.P.Kulkarni

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr.P.M.Pradhan

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri M.R.Kolhatkar, Member(A)

The Hon'ble Shri

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?

*M.R.Kolhatkar*

(M.R.KOLHATKAR)  
Member(A)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.934/93

T.L.Naik

.. Applicant

-versus-

Union of India & Ors.

.. Respondents

Coram: Hon'ble Shri M.R.Kolhatkar,  
Member(A)

Appearances:

1. Mr.S.P.Kulkarni  
Counsel for the  
Applicant.

2. Mr.P.M.Pradhan  
Counsel for the  
Respondents.

JUDGMENT:

(Per M.R.Kolhatkar, Member(A)) Date: 18/8/94

This is an application in respect of pending claim of Rs.154/- in respect of honorarium for doing the work relating to Recurring Deposit Accounts done by the applicant in his capacity as Supervisor in Dhule Head Post Office in Savings Bank and Recurring Deposit Branch. The applicant states that he did the work from August,1983 to January,1984 for which he ought to have got Rs.154/- as honorarium but he was only paid Rs.7.10 paise, the balance amounts were paid to other persons viz. L.M.Wani & Ors. The applicant as an office bearer of the Union had suggested to take up the matter for the monthly meeting of March'86 vide item 10 and subsequent meeting of June,1986 vide page 43 item No.7. For the first time, he made detailed representation on 9-1-1989. The entitlement of the applicant to the honorarium can be conclusively established

by reference to the original record in the form of Index Card and Ledger card which as per the certificate attached to the reply has been weeded out. However, photo-copies of rough register for the period have been produced.

2. Although the applicant had/made a general representation the first detailed representation came to be made only on 13-3-92 vide page 15 of the application, to which a detailed reply was given on 17-11-92 vide page 12 of the application which is reproduced below:

"Regarding non-payment of Honorarium bill, you have stated in presence of Sr.P.M. Dhule during the enquiry made by ADPS Aurangabad that Shri Kalanke who prepared Hon.Bills has promised in Police Station to pay the amount of Hon.of Rs.154/- to you, but during enquiry Shri Kalanke has flatly refused that he has never shown his willingness to pay amount to you in Police station."

The contention of the applicant is that it was wrong for the departmental authorities to treat the matter as an internal affair between the accounts clerk Shri Kalanke and himself but his claim ought to have been settled by the Postal authorities departmentally by checking the records, recovering the payment wrongly made to the wrong recipients and making the payment to him by issuing a regular sanction order.

3. The respondents have filed a detailed reply. It is not in dispute that any person who does the work of opening of New SB, Recurring Deposit and Savings Certificate is entitled to Honorarium in terms of Post Office Small Savings Schemes Manual Part-II. Item 8 of Appendix-6 deals with rates of honorarium. It is also not in dispute that the preservation period in respect of the record which will clinchingly establish the claim of the applicant is six years vide Appendix-4. It would be seen that in respect of the claim pertaining to the year 1983 the detailed representation was made by the applicant only after the period of preservation of record was over. The respondents have denied that the honorarium bills were prepared falsely by Shri Kalanke or that there has been any white washing of the main point as contended by the applicant. According to the respondents the applicant is guilty of filing such frivolous litigation only with a view to harass the respondents resulting in the loss of public money.

4. According to us the reply dated 17-11-92 from the respondents to the applicant placing reliance on the private arrangement between Shri Kalange and the applicant was not proper. At the same time the relevant record having been weeded out, there is no way in which the claim of the applicant can be

properly examined and investigated.

We have also to consider the question of the amount of ~~of~~ claim involved, the lapse of time since the cause of action arose and the tendency of the applicant to send general representations without providing specific reasons shortly after the cause of action arose. In view of these we are not inclined to entertain this O.A. which we dispose of by passing the following order :

O R D E R

O.A. is dismissed.

M No order as to costs.

*M.R.Kolhatkar*

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(M.R.KOLHATKAR)  
Member(A)

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