

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No.: 1461/95.

~~Transfer Application~~

Date of Decision MAY 30, 1996.

Shri A. V. Pathak

Petitioner/s

Shri S. P. Kulkarni,

Advocate for
the Petitioners

Versus

Union Of India & Others,

Respondent/s

Shri S.S. Karkera for
Shri P.M. Pradhan,

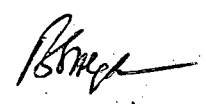
Advocate for
the Respondents

CORAM :

Hon'ble Shri. B.S. Hegde, Member (J).

~~XXXXXXXXXX~~

- (1) To be referred to the Reporter or not ? ☒
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? ☒


(B. S. HEGDE)
MEMBER (J).

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

ORIGINAL APPLICATION NO.: 1461/95.

Dated, this Thursday, the 30th day of May, 1996.

CORAM : Hon'ble Shri B. S. Hegde, Member (J).

| | | |
|-------------------------|-----|--------------|
| Shri A. V. Pathak | ... | Applicant |
| Versus | | |
| Union Of India & Others | ... | Respondents. |

APPEARANCE :

1. Shri S.P. Kulkarni,
Counsel for the applicant.
2. Shri S.S. Karkera for Shri P.M. Pradhan,
Counsel for the respondents.

: O R D E R :

| PER.: SHRI B. S. HEGDE, MEMBER (J) |

1. Heard Shri S.P. Kulkarni for the applicant and Shri S.S. Karkera for Shri P.M. Pradhan, Counsel for the respondents. Though time was given to the respondents to file reply, they have not filed the same so far. The relief claimed in this O.A. is seeking direction to the respondents to pay the honorarium to the applicant as per the Department of Posts circular dated 18.01.1989 para 1(iii) and (iv) which reads as follows :-

"1.(iii) The quantum of honorarium will be within the limits prescribed by the Deptt. of Personnel & Training vide their O.M. No. 134/5/85.AVDI dtd. 11.7.88 i.e. from 250/- to Rs. 500/- for IOS and Rs. 100/- to Rs. 300/- for PO's. The exact amount of honorarium that may be paid in each case is left to the discretion of the sanctioning authority but it has to be within that limits.


...2

[Signature]

- 1.(iv) According to the Department of Personnel orders, the exact amount payable on each occasion is to be decided by the competent authority on merits taking into account the volume of work involved, the quality of disposal and the expeditious completion of the work. These factors must be examined by the competent authority personally with reference to the facts of each case."

As per the above, the competent authority do not have the right for outright rejection of the claim made by the applicant. They only have the discretion powers to reduce the amount claimed depending upon the quantum of work performed by the applicant. In this case, on perusal of the documents I find there is no justification for the respondents to reject the honorarium claimed by the applicant. The delay if any, was due to the department and not on account of the Inquiry Officer. In the circumstances, I hereby direct the respondents to make the payment of honorarium to the applicant in accordance with para 1(iii) of the O.M. dated 18.01.1989 within a period of two months from the date of receipt of a copy of this order.

2. The O.A. is disposed of with the above directions. No order as to costs.


(B. S. HEGDE)
MEMBER (J).