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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.31/95

Date of Order : 20.8.96

BETWEEN :

Emani Krishna Swamy

.. Applicant.

AND

1. The Comptroller & Auditor General of India.
2. The Principal Accountant-General, Audit I, A.P.
3. Senior Accounts Officer, Funds V, O/o Accountant General, Hyderabad.
4. Sri P.V.Gopalakrishna, Senior Accounts Officer, O/o Accountant General, Hyderabad.

.. Respondents.

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Counsel for the Applicant

.. Mr.E.Krishna Swamy
Party-in-person

Counsel for the Respondents

.. Mr.G.Parameswara Rao

- - -

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

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None for the applicant. Heard Mr.G.Parameswara Rao, learned standing counsel for the respondents.

2. The applicant in this OA while working as Audit Officer was appointed as an enquiry officer in a disciplinary case by an order dated 7.5.91. He claimed for Rs.500/- for honorarium for working as an enquiry officer but that claim has been rejected by the letter No.Pr1.AG (Au) I/Co.Ordn.Cell/DC I/ 94-95/TR 15, dated 13.7.94 by the senior Deputy Accountant-

D

general (Admn.).

3. Aggrieved by the above he has filed this OA praying for a direction to the respondents for payment of honorarium of Rs.500/- to the applicant for discharging the duties of enquiry officer.

4. The learned standing counsel for the respondents today brought to my notice the instructions in regard to payment of honorarium to the staff appointed as enquiry officer. By O.M.No.134/5/85-AVD.I dated 11.7.88 (A-1) the department of personnel has issued certain instructions for payment of honorarium to part-time enquiry officers. The relevant portion of which reads as below:-

"One of the measures suggested in that letter was that, wherever a large number of oral inquiries are pending, the Deptt. should earmark some officers to complete the inquiries within a time limit to be indicated by the disciplinary authority. The competent authority, within its financial powers may consider sanction of suitable honorarium where inquiries are not part of their sphere of duties, to the Inquiry Officers/Presenting Officers subject to a minimum of Rs.250/- and maximum of Rs.500/- in respect of Inquiry Officer and minimum of Rs.100/- and maximum of Rs.300/- to the Presenting Officers. The amount payable on each occasion may be decided on merits taking into account the quality/volume of work and its quick and expeditious completion."

5. The above instructions were once again reiterated by O.M.No.134/1/91-AVD. I, dt. 13.5.92 (A-II). The sum and substance of the instructions is that payment of honorarium is not mandatory on the part of the competent authorities but depends on the consideration on the basis whether the enquiries are not part of the sphere of normal duties.

6. The learned counsel for the respondents submitted that the officer at the material time was working in the disciplinary cell co-ordinating the legal cases and also monitoring the disposal of the disciplinary cases. As he was in the monitoring

cell of the disciplinary cases it cannot be said that conducting enquiry is not in the sphere of his normal cases.

... these factors the competent authority rejected his requested for grant of honorarium.

7. A detailed rejoinder has been filed in this case. But it could not be conclusively proved from the affidavit as well as from the rejoinder that he had performed duties of enquiry officer in addition to his other duties which are not connected with the conducting of the disciplinary cases. However it is a fact that he completed the enquiry proceeding as entrusted to him and from the averments in the OA it appears that he had taken initiative to complete the case. Considering the above facts and also considering the fact that the honorarium to be paid is very small amount and there is no need to further go into this case except to give a token relief to the applicant to dispose of this case. In the circumstances of the case I feel that the ends of justice will be ^{met} ~~given~~ ^{or} ~~that~~ ^{by} he ~~has~~ been given honorarium of Rs.250 for conducting the enquiry.

8. The other prayer mentioned in this OA has got no relevance to this case and has to be rejected.

9. In the result, R-2 is directed to pay an amount of Rs.250/- as honorarium to the applicant for conducting the enquiry.

10. The OA is ordered accordingly. No costs.

One
(R. RANGARAJ)
Member (Adm)

Dated: 20th August, 1996

(Dictated in Open Court)

sd

Prithvi
Dy. Registrar

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OA.31/95.

Copy to:-

1. The Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi-002.
2. The Principal Accountant General, Audit I, A.P., Hyd.
3. Senior Accounts Officer, Funds V, O/O Accountant General, A& E, Hyderabad.
4. One copy to Sri. E.Krishna Swamy, Party-in-person, H.No.12-2-823/A/56, Santosh Co.op, Hsg. Society, Mehdipatnam, Hyd.
5. One copy to Sri. G.Parneswara Rao, Adml. CGSC, CAT, Hyd.
6. One copy to Library, CA , Hyd.
7. One spare copy.

Rsm/-

12/9/96

OA: 3/1/91

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

~~Humble Mr Justice B. C. Saxena, J.~~
THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 26/2/98

ORDER/JUDGEMENT
R.A./C.P./M.A. NO.

in
O.A. NO. 31/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal 3rd/DEPTCH - 4 SEP 1998 हैदराबाद न्यायपीठ HYDERABAD BENCH
