

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING HELD AT GWALIOR

Original Application No. 137 of 2004

Gwalior, this the 22nd day of February, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Avinash Kumar Nigam, S/o. Shri
P.D. Nigam, aged 44 year, Occupation
Service, presently posted as SK/AC H.M.
& SEC Office of the Development
Commissioner (Handicrafts), 38 Ravi Nagar,
Gwalior. ... Applicant

(By Advocate - Shri Jitendra Sharma)

V e r s u s

1. Union of India,
through Secretary,
Ministry of Textile,
Udyog Bhawan, New Delhi.
2. Development Commissioner
(Handicrafts) Ministry of
Textile, West Block No. VII,
R.K. Puram, New Delhi - 110066.
3. Director (Regional),
Office of the development Commissioner,
(Handicrafts), Ministry of Textile,
294, P. Nariman Street, "Fort",
3rd Floor, Haroon House,
Mumbai - 400001.
4. Assistant Director (Handicrafts)
Commissioner, (Handicrafts),
Ministry of Textile, Handicrafts
Marketing & Service, Extension
Centre, 38, Ravi Nagar, Gwalior. ... Respondents

(By Advocate - Shri P.N. Kelkar)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -


By filing this Original Application the applicant has
claimed the following main relief :

"i) the respondents be directed to make payment of
honorarium for discharging extra duties in Shlip
Bazar from 1.1.2003 to 7.2.2003, TA bills from Dec.
2002 to June 2003 and Sept. 2003 and Medical Bills
MR-9, MR-10, MR-11 and MR-19 alongwith 18% interest."

2. The brief facts of the case as stated by the applicant are that he is holding the post of Store Keeper Cum Account Clerk at present and is posted in the office of the Assistant Director, Development Commissioner (Handicrafts), Ministry of Textile, Handicrafts Marketing & Service, Extension Centre, 38, Ravi Nagar, Gwalior. The respondents organised a Shilp Bazar in Gwalior Trade Fair from 1.1.2003 to 7.2.2003 for 38 days which is one of the national events. The applicant as well as other employees were put on duty to work during this period and were also assured for payment of honorarium for discharging extra duties in Shilp Bazar. The applicant discharged extra duties from 9 AM to 10 PM and 11 PM to 12 PM in night during 1.1.2003 to 7.2.2003 in Shilp Bazar. When the fair was over the applicant was not paid all the dues which were due to him. Hence, this Original Application is filed.

3. The respondents in their reply have stated that as regards the claim made by the applicant regarding MR-9, 10 & 11 the amounts of Rs. 865/-, Rs. 220/- and Rs. 543/- respectively have been paid to the applicant on 3.2.2004. They have also paid Rs. 236/- for MR-19 on 19.1.2004. Hence, no claim in this regard is pending before the respondents. The respondents have further submitted that as regards the letter Annexure A-4 most of the valid claim for which budget was available were cleared and paid to the applicant. With regard to the local conveyance allowance ^{they have stated that as soon} as the budget is available, ~~xxx~~ it will be cleared as per the rules. The claim for honorarium has no legal basis and hence, it is liable to be rejected.


4. Heard the learned counsel for both the parties and carefully perused the pleadings and records.



5. The learned counsel for the applicant has stated that the applicant has performed extra duties during the ^{aforesaid} ~~the~~/period at Shilp Bazar, organised by the respondents. He has also stated that with regard to the claim at MR-9, 10, 11 & 19 they have been paid to the applicant but the conveyance is still to be paid to the applicant due to non-availability of the funds with the respondents. He has submitted that this ground is being taken by the respondents continuously for last two years. As regards the honorarium he has submitted that the respondents have assured the applicant to grant honorarium for putting the extra additional hours of duty during the said period. He has also submitted that as per rules he is entitled for the same and in the past also the respondents have made payment of honorarium to the persons who have ^{been put on} ~~put~~ extra duties during the organisation of Shilp Bazar. He has further submitted that since no over-time is granted for performing extra duties after the office hours the employees are compensated by ^{way of} ~~making~~ payment of honorarium.


6. On the other hand, the learned counsel for the respondents stated that no assurance was ^{given} ~~made~~ with regard to payment of the honorarium. As regards other dues including conveyance, they have admitted the claim of the applicant and ^{have stated that} ~~the~~ payment with regard to MR-9, 10, 11 & 19 ~~XXXX~~ have already been cleared. The local conveyance will be paid as and when the funds are available but the Payment of honorarium is not permissible under the rules and will not be made to the applicant.

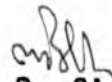
7. We have given careful consideration to the rival contentions made on behalf of the parties and we find that most of the claims made by the applicant with regard to



payment of MR-9, 10, 11 & 19, ~~may~~ have already been made to the applicant. As regards payment of the local conveyance, the respondents have accepted ^{that} this amount has not been paid to the applicant because of non-availability of funds. We therefore, feel that directions could be given to the respondents to make the payment within a time frame manner. Accordingly, we direct the respondents to make the payment of the local conveyance, due to the applicant within a period of three months from the date of receipt of a copy of this order. With regard to the payment of the honorarium, the learned counsel for the applicant has drawn our attention towards Annexure A-2 and Annexure A-5, whereby the Assistant Director (Handicrafts) has already recommended the case of the applicant to the Regional Director, Mumbai, but no decision has been taken by the respondents. We, therefore, ~~may~~ direct the respondents to take a decision on these letters written by the Assistant Director (Handicrafts) dated 11th March, 2003 and 28th November, 2003 by passing a speaking detailed and reasoned order in accordance with the rules, within a period of three months from the date of receipt of a copy of this order.

8. With the above directions, the present Original Application is disposed of, with no order as to costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman