

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 733 of 2003

Jabalpur, this the 30th day of June, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

Girwar Singh S/o Shri Arjun Singh,
aged about 43 years working as Senior
Tax Assistant in the Office of
the Assistant Commissioner, Customs
& Central Excise Sagar(M.P.)
resident of Kesharwani Bhawan,
5, Civil Lines, Sagar
(MP) 470001.

APPLICANT

(By Advocate - Shri R.R. Ram)

VERSUS

1. The Union of India
Thro; It's Secretary,
Minister for Finance,
Department of Revenue, New Delhi.
2. The Commissioner,
Customs & Central Excise,
Headquarters, Indore(M.P.)
3. The Chief Election Commissioner
Election Commission of India
New Delhi.
4. The Distt. Election Officer
District-Indore 37, Lok Sabha
Constituency. office of the
Collector, Indore, (M.P.).
5. The Chief Election Officer, M.P.
IIInd floor Board office Campus,
Shivaji Nagar Bhopal(M.P.)

RESPONDENTS

(By Advocate - Shri Om Namdeo)

O R D E R (ORAL)

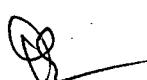
By filing this OA, the applicant has sought the
following main reliefs :-

"(i) the disciplinary action may please be ordered
to be initiated against the respondent, especially
the respondent No.4 District Election Officer,
District Indore, 37-Lok Sabha Constituency, office of
the Collector, Indore(M.P.).

(ii) payment of Election duty performed by the
applicant together with Rs.1000/- as expenses
incurred in correspondences and in petrol of scooter
as asked for in the legal notice and also after the
notice.

(iii) compensation worth Rs.10,000/- for physical and
mental harassment, insult and intimidation
committed by the respondent No.4".

2. The brief facts of the case are that the applicant is working as Tax Assistant in the office of respondent No.2. Vide order dated 22.9.1999, the District Election Officer, Indore has directed him to perform the Election duty of counting work, of Lok Sabha Election Indore-37 Lok Sabha Constituency which was held on 6.10.1999. When the counting work was over, the officers detailed for election duty were immediately paid their honorarium but for payment of the applicant after announcement, it was told to him to take his payment on 8.10.1999 in the office of the District Election Officer, Indore, on 8.10.1999 to 21.10.99 the applicant has approached many times with the dealing person for concerning payment in the office of the respondent No.4 but he did not get his honorarium payment for election duty. Thereafter he has given an application dated 22.10.99 through respondent no.2 to the respondent no.4. Thereafter he has submitted his first reminder dated 22.11.1999 (Annexure-A-2) to the respondent no.4 through respondent no.2 for payment of his honorarium for election duty under endorsement to the Chief Election Officer, State of M.P. and the Chief Election Commissioner, Election Commission of India, New Delhi but the respondents did not give any response to the aforesaid reminder. Subsequently, the applicant has sent many reminders to the respondents i.e. dated 28.7.2000 (Annexure-A-4), 5.9.2000(Annexure-A-5), 5.2.2001(Annexure-A-6) and 22.2.2001(Annexure-A-7) but he did not get any response to the aforesaid reminders. Thereafter, the applicant has sent a legal notice to the respondents dated 29.6.2002 (Annexure-A-8) through his counsel. Thereafter, the respondents have issued an order dated 11.7.2002(Annexure-A-9). However, the respondents have not paid Election duty allowance and also not paid the honorarium of his election duty but has badly harassed and humiliated the applicant. Hence, he has filed this OA.



3. Heard the learned counsel for the parties and perused the pleadings.

4. The learned counsel for the applicant has submitted that in spite of several efforts he could not get honorarium of election duty conducted by the respondents as he was directed, whereas other officer were paid. He has moved several representations, legal notice and he has also went in the office of respondents but the respondents have not given the honorarium to the applicant.

5. on the other hand the learned counsel for the respondents has stated that when the applicant went to receive the amount of the election duty on 8.10.1999 he was advised to take payment on next Monday. But the applicant has not come on 21.10.1999 in the office of District Election Officer. As the applicant did not get the certificate of his presence on the date of counting of the vote. He has further ~~said~~ stated that it is the duty of the applicant to get the duty certificate and take the remuneration on the spot but the applicant being an officer left the spot of vote counting without information. The applicant had not contacted personally to the respondent's office in spite of the letter dated 22.7.2002(Annexure-R-1). Later the respondents sent Rs.75/- with the letter dated 12.8.2002 to the office of the applicant at Indore. But at that time the applicant was transferred from Indore to Hoshangabad and hence the amount was returned back by the Indore Office, to the respondents. Subsequently, the respondents have sent the amount to the applicant at his Hoshangabad office by way of money order but the applicant refused to take the money order.

6. After hearing the learned counsel for the parties and carefully perusing the records, I find that the relief No.(iii) of the OA for claiming compensation worth Rs.10,000/- for physical and mental harassment, insult and intimidation cannot be granted by this Tribunal for want of jurisdiction. The applicant is directed to approach the proper forum for granting the relief No.(iii) of the OA. So far as remuneration is concerned, it was sent to the applicant by money order Annexure -R-4, which he refused to accept. Hence, it cannot be accepted that the respondents had not paid the remuneration of election duty performed by the applicant. As the applicant has refused to take the money order of Rs.75/- vide Annexure-A-4, the respondents are directed to send Rs.75/- again to the applicant within 15 days from the date of receipt of copy of this order. Accordingly, the OA is disposed of with the above direction. No costs.


(Madan Mohan)
Judicial Member

SKM

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on 3-8-04
by