

(8)

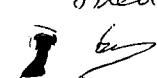
**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

9.10.2007

OA 414/2006

Rejoinder not
filed.

Mr. Shiv Kumar, counsel for applicant.
None present for respondents.

Learned counsel for the applicant prays for some more time to file rejoinder. Let the same be filed within two weeks.

Let the matter be listed on 20.11.2007.


(J.P. SHUKLA)

MEMBER (A)


(M.L. CHAUHAN)

MEMBER (J)

vk

20-11-07

Mr. Shiv Kumar - Counsel for the applicant
Mr. Anupam Agarwal - counsel for respondents


Heard the learned Counsel for the parties. For the reasons, dictated separately, the OA is disposed of.


(M.L. CHAUHAN)

Full. member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 20th day of November, 2007

ORIGINAL APPLICATION No.414/2006

CORAM:

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

Ajit Pal,
s/o Shri Ganga Shai ji,
aged about 61 years,
r/o 44 Modi Nagar, Ajmer Road,
Near Purani Chungi, Jaipur
last employed on the post of
Divisional Cashier in the office of
Pay and Cash Office,
Northern Western Railway,
Jaipur Division, Jaipur

.. Applicant

(By Advocate: Shri Shiv Kumar)

Versus

1. Union of India
through General Manager,
North Western Railway,
Jaipur
2. Financial Advisor and
Chief Accounts Officer (FA&CAO)
North Western Railway,
Jaipur.
3. Senior Divisional Accounts Manager,
North Western Railway,
Jaipur Division,
Jaipur.

.. Respondents

(By Advocate: Shri Anupam Agarwal)

Y

O R D E R (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

"(i) That the respondents may please be directed to pay the amount of honorarium rupees 55,549 in pursuance to Railway Board order dt. 7.8.2007 (Annexure-A-1) and the original application may please be allowed in the interest of justice.
(ii) Any other/directions/relief(s) may be passed in favour of applicant who may deemed fit, just and proper under the facts and circumstances of this case.
(iii) That the cost of this application may be awarded."

2. Notice of this application was given to the respondents. The respondents have filed reply. In para 5 (a) of the reply affidavit, the respondents have indicated as to what amount the applicant was entitled to after making adjustment and the amount which was already sanctioned in favour of the applicant. At this stage, it will be useful to quota said para 5(a) of the reply, which thus reads:-

"a. That the contents of ground (a) are replied in terms that applicant is entitled for payment of honorarium as per the railway board policy. Para 15 of the same provides that honorarium is admissible to the supervisory staff equal to 10% of total honorarium payable to each cashier allotted the supervisory staff for supervisory control the subject to maximum monthly ceiling of Rs. 2761/- which stood enhanced to Rs. 3141/-. A copy of due drawn statement of honorarium claims is enclosed herewith and marked as Annexure R/1. Accordingly, the applicant and Sh. B.L.Gupta was working during Oct. 2003 to Dec. 2003. As per the ceiling limit of Rs. 3141/- the amount due was Rs. 45949/- while the total amount claimed was Rs. 88675/-. Thus the excess of Rs. 42726/- (88675-45949) was distributed among the applicant and Sh. B.L.Gupta so as to be recovered. In the same way during the period November 2005 to March

44

2005 the total amount claimed was Rs. 35132/- while actual due as per policy was Rs. 20614/-. Thus the excess Rs. 14518/- (35132-20614) was distributed among the applicant and Sh. N.R.Meena. Accordingly the recovery to be made from the applicant out of Rs. 55549/- was Rs. 28622/- (21363+7259). The applicant has already been paid remaining dues of Rs. 26927/-. So far as the super session by the Divisional authority is concerned it being an error detected prior to payment has rightly been corrected..."

The learned counsel for the applicant disputed the stand taken by the respondents in the reply and submits that in fact he is entitled to much more amount than the amount indicated by the respondents and further the respondents were not authorize to withheld the excess amount as according to the learned counsel for the applicant where two persons have worked/undertaken the same work, in that eventuality, the honorarium is not legally to be proportionate.

3. The applicant has not filed rejoinder.

4. I have heard the learned counsel for the parties and I am of the view that since the disputed question of facts is involved and the applicant is claming more amount than sanctioned by the respondents, as such, no finding of merit can be rendered in the absence of sufficient material. Accordingly, it is open for the applicant to file appropriate representation in case he is still aggrieved within a period of 3 weeks from the date of receipt of copy of this order and in that

way

eventually the respondents are directed to decide the said representation by passing a speaking and reasoned order within a period of 3 months from the date of receipt of such representation.

5. With these observations, the OA is disposed of.



(M.L.CHAUHAN)

Judl. Member

R/