

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

28.04.2011

OA No. 418/2009 with MA 10/2010

Mr. Ramesh Chand, Counsel for applicant.
Mr. R.G. Gupta, Counsel for respondents.

On the request of the learned counsel for the respondents, put up for hearing on 19.05.2011.

K.S. Rathore
(Justice K.S. Rathore)
MEMBER (J)

AHQ

19.5.2011
Mr. Ramesh Chand, Counsel for applicant.
Mr. R.G. Gupta, Counsel for respondents.

Heard. The OA is disposed of by a separate order.

K.S. Rathore
(Justice K.S. Rathore)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 19th day of May, 2011

ORIGINAL APPLICATION NO. 418/2009
WITH
MISC. APPLICATION NO. 10/2010

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

Lakshmi Narayan son of Late Pearay Lal, aged about 65 years, resident of 63, Lavkush Colony, Nayaghar, Gulabharli, Ajmer and last worked on the post of Senior SDM, Ajmer.

.....Applicant

(By Advocate: Mr. Ramesh Chand)

VERSUS

1. Union of India through its Secretary (E), Railway Board, Rail Bhawan, Raisina Road, New Delhi.
2. The General Manager, West Central Railway, Indira Market, Jabalpur.
3. The Divisional Railway Manager, West Central Railway, Kota.
4. The Divisional Commercial Manager, West Central Railway, Kota.

.....Respondents

(By Advocate: Mr. R.G. Gupta)

ORDER (ORAL)

The short controversy involved in this OA is that honorarium for conducting separate inquiries has not been made to the applicant. The case of the applicant is that he had conducted separate inquiries whereas the case of the respondents is that inquiries, which have been conducted by the applicant, have been treated as common inquiry under Rule 13 of Railway Servants (Discipline & Appeal) Rules, 1968. Therefore in accordance of provisions of law, the payment has already been made to the applicant.



2. Upon asking the respondents whether any order under Rule 13 of the Railway Servants (Discipline & Appeal) Rules, 1968 has been passed or not, the respondents were unable to place any such order. We have perused Railway Board's letter dated 24.04.2006 (Annexure R/2) regarding enhancement of the rates of honorarium for Inquiry Officer and other assisting officials in the conduct of Departmental Inquiries arising out of Vigilance Investigations against Railway Servants, the clause (c) of which reads as under:-

"(c) Where Departmental Inquiry is conducted against a non-gazetted official by a retired Railway servant of JA grade and below upto the rank of group 'B' gazetted.

(i) The rate of honorarium for Inquiry Officer

The Inquiry Officer will be entitled to an Honorarium of Rs.3000/- (Rs. Three Thousand only) for the Inquiry Report, relating to the first charged official and Rs.750/- (Rs. Seven Hundred & Fifty only) for each additional inquiry Report in the same case, besides local conveyance allowance amounting to Rs.750/- (Rs. Seven Hundred & Fifty only) per Inquiry Report for A, A-1 and B-1 cities. The local conveyance charges for other cities shall be Rs.450/- (Rs. Four Hundred & Fifty only) per Inquiry Report."

3. If the submission made on behalf of the respondents is admitted, then the respondents have to show whether any order under Rule 13 of the Railway Servants (Discipline & Appeal) Rules, 1968 treating common inquiry has been passed, which is admittedly has not been passed by the respondents. It is not disputed that the respondents had made the payment to the tune of Rs.5,250/- to the applicant and only Rs.6,750/- is due to be paid. Having gone through the provisions of Clause (c) of Railway Board decision dated 24.04.2006, as separate Inquiry has been conducted by the applicant, he is entitled to get honorarium of Rs.3000/- for each inquiry. Thus, we allow the present



OA and direct the respondents to release balance amount of Rs.6,750/- within a period of two months from the date of receipt of a copy of this order.

4. With these observations, the OA is disposed of with no order as to costs.

5. In view of the order passed in the OA, no order is required to be passed in MA No. 10/2010, which is too disposed of accordingly.

K. S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

AHQ