

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

Original Application No. 220 of 1994

Date of decision 7.1.1999

Sri S.B.Hazarika

PETITIONER(S)

In person

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors

RESPONDENT(S)

Mr. G.Sarma, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMEBER.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 220 of 1994.

Date of decision : This the 7th day of January 1998..

Hon'ble Mr. Justice D.N.Baruah, Vice-Chairman.

Hon'ble Shri G.L.Sanglyine, Administrative Member.

Shri S.B.Hazarika,
Complaint Inspector,
Office of the Director of
Postal Services,
Tripura State,
Agartala

..... Applicant.

Applicant in person.

-versus-

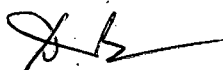
1. The Union of India
C/o Secretary & Director General of Posts,
Ministry of Communication,
New Delhi-110001.
2. The Chief Postmaster General,
N.E. Circle,
Shillong-793001.
3. The Director of Postal Services(HQ).
N.E. Circle,
Shillong-793001.
4. The Director of Postal Services,
Tripura State,
Agartala-700 001.
5. The Postmaster,
Agartala (H.P.O.)-799 001. Respondents

By Advocate Mr. G.Sarma, Addl. C.G.S.C.

O R D E R

BARUAH J. (V.C.)

In this application the applicant prays for a direction to the respondents to pay Honorarium at the rate of Rs. 1000/- per month from the month of January, 1992 onwards for defending Consumers Forum filed against the Department of Posts and also other



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remuneration as mentioned in the relief column. Facts for the purpose of disposal are :

In January, 1991 the applicant joined as Sub-divisional Officer (S.B) in the office of the Director of Postal Services, Agartala. In July, 1991 the applicant was attached with the Divisional Office, at Agartala Postal Division in-charge of the Director of Postal Services, Agartala. He was required to perform his duties as per Rule 260-C of the P & T Manual Vol. III. In January, 1992 in addition to usual duties, the applicant had to perform some works which are occasional or intermittent in nature and therefore he was entitled a Special reward for performing duties outside the normal sphere of duties of a complaint Inspector as prescribed in Rule 260-C of the P & T Manual, Vol. III. According to the applicant, he was appointed Authorised Agent to the additional work of Department of Posts to defend the Consumer Forum cases filed under the Consumers Protection Act, 1986 and he was required to defend the department in those consumer cases filed under the Act on the ground of failure, defects, deficiency against the department. In doing so, the applicant while defending department in the consumer forum cases he was required to devote extra time in studying the various Judgement of Courts and Consumer redressal forum. As per the provision of F.R. 46 (b) the applicant was entitled to extra remuneration as Honorarium but nothing has been paid to the applicant. As nothing was done in this regard the applicant after waiting for about one and half years submitted representation on 11.6.1993 to the Chief Postmaster General, Shillong. In 1993 by a letter dated 27.8.1993 the Chief Postmaster General, Shillong called for justification for grant of honorarium with

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recommendations from the DPS, Agartala. The DPS, Agartala by his letter, dated 23.9.1993 had sent his views regarding justification and also recommended to the Chief Postmaster General, Shillong. After the recommendation of the DPS, Agartala, the applicant waited for a period of one year till 21.9.1994, thereafter another representation was filed to the Postmaster General, Shillong through DPS, Agartala. On 1.11.1994 the applicant was informed the Honorarium could not be paid to the applicant, there could only be letter of appreciation. However, the grounds raised by the applicant for his entitlement to honorarium has not been properly answered while disposing the representation.

Hence the present application.

2. In due course the respondents have filed written statement. In paragraph 2 of the written statement the respondents have stated thus :

"2..... that since it is not covered by any rule to grant Honorarium for presenting forum cases on behalf of the department it was decided not to grant any Honorarium to the applicant."

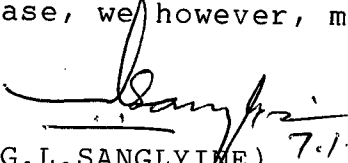
3. We have heard Mr. G. Sarma, learned Addl. C.G.S.C. The applicant who appears in person is not present today.

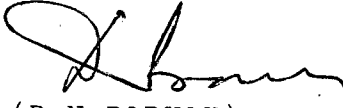
4. The applicant has stated in his application that the work performed by him was of occasional or intermittent character and laborious which was outside the normal sphere of duties of a Complaint Inspector therefore he is entitled to get Honorarium. Mr. Sarma reiterated what has been stated in the written statement that the claim for honorarium is not covered by any rule therefore the applicant is not entitled to any Honorarium.

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5. We have perused the application and the various correspondences including the DPS, Agartala letter dated 29.9.1993 recommending the case of the applicant which was pending for one year and thereafter the applicant submitted yet another representation and the said representation was disposed of by a cryptic order. Normally a person is to perform his duties as per the appointment, if additional work is required to be performed, he is entitled to extra remuneration. However, this ^{is} possible only when rules provide. From the records available before us we do not find any such rule entitling the applicant to get extra remuneration. Mr. Sarma, also is not in a position to enlighten us in this regard. He only submits that applicant's claim is not covered by any rule. As stated above, applicant who appears in person is also not present today. We ^{are} therefore at this stage unable to give any direction in this regard. However, the applicant may file yet another representt^{ion} giving details of his claim within a period of 15 days from the date of receipt of ~~copy~~ of this order before the competent authority and the competent authority shall dispose of his representation as early as possible at any rate within a period of three months thereafter. It is also directed that if the applicant seeks any personal hearing that may also be granted by the authority before taking any decision on this point. Accordingly the application is disposed of in the light of the observations made above.

Considering the facts and circumstances of the case, we however, make no order as to costs.


(G.L. SANGLYINE) 7.1.99
Administrative Member


(D.N. BARUAH)
Vice-Chairman