

UNION OF INDIA
v.
C.N. VASUDEVAN
(Civil Appeal No. 7260 of 2002)

MAY 7, 2008

(H.K. SEMA AND MARKANDEY KATJU, JJ.)

Service Law:

Honorarium/extra remuneration – Regional Passport Officer – Also assigned duties of Protector of Emigrants – Duties performed during normal office hours on working days – Claim by Regional Passport Officer for honorarium/remuneration over and above the salary for the period he also worked as Protector of Emigrants – HELD: Not admissible - Both the High Court and the Tribunal erred in law as well as in facts in granting honorarium to the incumbent – Duties of Protector of Emigrants under the Emigration Act are part of the normal duties of the Regional Passport Officer – No extra remuneration as claimed has to be paid.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7260 of 2002.

From the Judgment dated 18.7.2001 of the High Court of Gujarat at Ahmedabad in S.C.A. No. 1962/2001.

Rekha Pandey, Sushma Suri and B.V. Balaram Das for the Appellants.

Debasis Misra for the Respondent.

The Order of the Court was delivered :

Heard learned counsel for the appellant. None appears for the respondent.

The question involved in this appeal is as to whether the respondent is entitled to grant of honorarium/remuneration for

A the period he worked as Protector of Emigrants over and above his salary as Regional Passport Officer, Ahmedabad.

B The respondent was working as a Regional Passport Officer. He was also assigned the duties and responsibilities of Protector of Emigrants. He filed an O.A. before the Central Administrative Tribunal praying that since the responsibilities of the Regional Passport Officer and Protector of Emigrants are quite different, he may be paid an honorarium for working in the latter capacity. His prayer was allowed by the Tribunal. The High Court, by its impugned order, affirmed the order of the C tribunal. Hence, this appeal by special leave.

D We have gone through the counter affidavit filed on behalf of the Regional Passport Officer, Ahmedabad before the Tribunal. It is stated in paragraph 9 of the counter affidavit that in all 14 Passport Officers were authorised to perform the functions of Protector of Emigrants so as to decide whether a person intending to depart from India is an emigrant or not for the purpose of Emigration Act, 1983. It is also stated that the duties of Protector of Emigrant were part of the normal duty of the Regional Passport Officer. It is also stated that the duty of Protector of Emigrant was to be performed by the Regional Passport Officer during the normal office hours on working days only. It is further contended that the duties of Protector of Emigrants are being performed by the Passport Officers and that no additional duty or responsibility has been assigned to them. According to the said counter affidavit, therefore, there was no question of payment of honorarium to the Regional Passport Officer who was assigned the duties of Protector of Emigrants.

G We agree with the aforesaid contention. Both the High Court and the Tribunal erred in law as well as in facts in granting honorarium to the respondent. The duties of Protector of Emigrants under the Emigration Act is part of the normal duties of the Regional Passport Officer. Hence no extra remuneration has to be paid for the work over and above the salary as H

Regional Passport Officer. To give an analogous example, the District Magistrate/Collector of a district is often also the prescribed authority under various State and Central Acts for discharging functions under the said Acts. This does not entitle the District Magistrate/Collector to any extra remuneration over and above his normal salary. A

In the premises aforesaid, the orders of the tribunal and of the High Court are set aside. This appeal is allowed. No costs. B

R.P.

Appeal allowed. C