

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WP No. 173 of 2004**

1. K.P. Nayak (Deleted) Through Legal Heir As Per Honble
Court Order Date- 12-09-2018.

1A Shanti Nayak W/o Late K.P. Nayak Aged About 73 Years
R/o M-2, Rajiv Nagar, Post- Shanker Nagar, Raipur,
Chhattisgarh.

1B Dr. Shyamlala Singhvi W/o Nitin Singhvi D/o Late K.P.
Nayak, Aged About 56 Years, R/o H.I.G.-3 Sector-3,
Shanker Nagar, Raipur.

1C Prabha Kamath, W/o- Mukund Kamath, D/o Late K.P.
Nayak, Aged About 53 Years, R/o 316, Mahaveer Springs,
15th Main Phase, 17th Cross, J.P. Nagar 5th Phase
Bangalore (Karnataka).

1D Satish Nayak S/o Late K.P. Nayak Aged About 52 Years
R/o M-2, Rajiv Nagar, Post- Shanker Nagar, Raipur,
Chhattisgarh.

1E Prashant Nayak S/o Late K.P. Nayak Aged About 43
Years R/o M-2, Rajiv Nagar, Post- Shanker Nagar, Raipur,
Chhattisgarh.

1F Seema Nayak W/o Navin Nayak, D/o Late K.P. Nayak,
Aged About 41 Years, R/o 1562, Bright Glade Circle,
Downingtown PA, 19335, USA

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban

Administration Deptt. DKS Bhawan, Raipur, Chhattisgarh.

2. The Commissioner Municipal Corporation Raipur, District-Raipur, Chhattisgarh.
3. The Chairman Municipal Corporation Raipur, District-Raipur, Chhattisgarh.

---- Respondents

For Petitioner(s)	:- Ms. Aditi Singhvi, Advocate.
For Respondent-State	:- Shri R.S. Baghel, Dy A.G.
For Respondents No.2 &3	:- Shri Pankaj Agrawal, Advocate.

Order On Board

By

Hon'ble Shri Justice Prashant Kumar Mishra

12/09/2019

1. After his retirement from the post of the Assistant Engineer in the Public Works Department (PWD) in the year 1996, the petitioner was engaged as the Engineering Consultant of the Municipal Corporation, Raipur on honorarium vide its order dated 06.03.2000 making it effective from 17.02.2000. The petitioner worked in the said capacity till 04.03.2004. The present Writ Petition came to be filed in January, 2004 seeking remuneration in respect of his services as the Engineering Consultant.
2. During pendency of the petition an interim order was passed on 08.11.2005, directing the respondents to ensure that the

petitioner is paid wages for the period he worked from 17.02.2000 till the service was terminated on 03.03.2004.

3. After two more hearings on 19.12.2005 and 21.12.2005, the petitioner was paid a sum of Rs.1,26,218/- as honorarium for the subject period which comes out at the rate of Rs.2600/- per month. The Writ Petition remained pending and unfortunately the petitioner died during pendency. It is now continued by his legal heirs.
4. It is argued that the petitioner retired from the Gazetted Class-1 Post of the Assistant Engineer, therefore, the honorarium should have been fixed at a respectable rate to compensate the salary drawn by him at the time of his retirement. Honorarium at the rate of 2600/- per month is very meager amount for such qualified person.
5. Per contra, Shri Pankaj Agrawal, learned counsel for respondent Corporation and Shri R.S. Baghel, learned Dy.A.G., would submit that honorarium has been fixed in accordance with nature of work performed by the petitioner. Shri Pankaj Agrawal, learned counsel, would further draw attention of the Court to the circular issued by the State Government from time to time as compiled in the Suvidha Hand Book filed as Annexure-B to the memo submitting explanation about fixation of honorarium to the petitioner.

6. Annexure-B above refers to the Finance Department circular dated 06.01.1989, providing that a Government Servant shall be paid honorarium at the rate of 12.5% of the basic pay or Rs.200/- per month whichever is less. Shri Pankaj Agrawal, learned counsel, would submit that the honorarium at the rate of Rs.2600/- per month paid to the petitioner is more than 12.5% of his basic pay.
7. Having heard learned counsel for the parties and on perusal of papers, it appears that the respondent has been able to satisfy the Court on the basis of some Government order issuing guidelines for fixation of honorarium. Honorarium by its very nature is never equal to the salary of a particular post. Even otherwise, post of consultant was not sanctioned in the set up of Municipal Corporation. The arrangement for appointment of consultant was initiated under State Government circular dated 05.02.2000 which did not provide for any guideline regarding payment of wages or salary or honorarium. Since appointment of consultant has not been made under any recruitment process there was no prior order fixing any particular amount as honorarium.
8. It is difficult for the Writ Court to arrive at a particular figure which would be adequate for a particular post depending upon the nature of duties. It is always in the realm of an expert job and some guess work is always permissible when

the employer arrives at a particular figure to be paid as honorarium. In any case the amount fixed and paid to the petitioner on 30.12.2005 does not appear to be arbitrary or irrational, as it would find some basis in the circular issued by the Finance Department. No case for issuance of any further direction is needed.

9. Accordingly, the Writ Petition is disposed of.

SD/-
(**Prashant Kumar Mishra**)
Judge

Ayushi