

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CA NO. 1228/2002

This the 24th day of April, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Tarsem Lal Verma
7-A, MS Flats, Minto Road Complex,
New Delhi-110002.

..Applicant

(None)

Versus

Union of India thro'
Secretary, Ministry of Defence,
South Block, New Delhi.

...Respondent

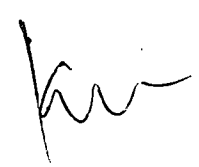
(By Advocate: Sh. S.M.Arif)

O R D E R (ORAL)

None appeared for the applicant despite repeated calls and on last two hearings also applicant did not appear. I proceed to decide this case under Rule 16 of CAT (Procedure) Rules.

2. Applicant in this OA has sought a direction to the respondents to credit the unpaid sum of Rs.5172/- and interest @18% per annum to the applicant within one month from December 1997 to date of payment.

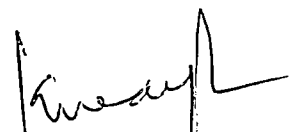
3. Facts in brief are that the applicant was initially appointed with the respondents. However, his services were terminated under Rule 5 of CCS (Temporary Service) Rules. Applicant challenged the said order of termination by filing an OA which was listed as OA No.1211/91. The said OA was allowed on 3.10.97 and the order of discharge of the applicant dated 3.6.93 was quashed. Applicant was to be reinstated w.e.f. 9.10.97 but applicant joined on 10.10.97. The claim of the applicant pertains to Rs.5172/- which relates to period of September 1996 when the applicant was in the service of Govt. of NCT of Delhi.



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(2)

4. Respondents are contesting the OA. Counsel for respondents submitted that though the applicant has claimed for a sum of Rs.5172/- but the actual amount is Rs.5,052/- as per information received by them from Govt. of NCT of Delhi. Besides that it is also submitted that the Govt. of NCT of Delhi has passed an order for release of payment in favour of the applicant. Since applicant did not go to Govt. of NCT of Delhi to receive this amount, the said amount was deposited in the treasury as undisbursed. The copy of the said letter is annexed as Annexure R-II.

5. Respondents also submitted that the claim raised by the applicant in the OA pertains to service rendered by him in Govt. of NCT of Delhi and Govt. of NCT of Delhi has not been made a party in the present case. Looking into these aspects, I am of the considered opinion that the OA against Resp. No 1 is not maintainable, since the applicant's claim pertains to the service which he has rendered with Govt. of NCT of Delhi. He could have made a claim against Govt. of NCT of Delhi. Besides that as per Annexure R-II, Govt. of NCT of Delhi had already deposited the amount in the treasury and since they were willing to pay the sum to the applicant and it is applicant who did not go to collect the amount. So applicant has no cause of action against the respondents and the same is hereby dismissed. No costs.


(KULDIP SINGH)
Member (J)

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