

Central Administrative Tribunal, Principal Bench

Original Application No.572 of 2002

New Delhi, this the 12th day of September, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

Shri Jagmal Singh  
S/o Shri Chottu  
W/As Kantewala 'A'/Pointsman  
Inchhapuri, Bikaner Division  
Northern Railways

.... Applicant

(By Advocate: Shri D.K. Sammi)

Versus

1. Union of India, through  
The General Manager  
Northern Railways  
Baroda House, New Delhi-1.

2. Divisional Personnel Officer (Bills)  
Northern Railways, Bikaner Division  
D.R.M. Office, Bikaner (Raj.)

3. Divisional Accounts Officer  
Northern Railways, Bikaner Division  
D.R.M. Office, Bikaner (Raj.)

.... Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant claims his arrears of pay which, according to him, have been withheld since 22.9.93 without cogent reasons.

2. The facts are not in controversy. The applicant is working as a Pointsman in the Bikaner Division of Northern Railway. Arrears were due to him from the year 1976. The same have not been fixed and it is after such a prolonged time that on 22.9.93, a letter was written from the Divisional Personnel Officer, Northern Railway, Bikaner to the following effect.

"Ref:- This office letter of even No. dated

*Ms Ag*

22.09.1993.

Please read fixation of pay of Shri Jagmal Singh S/o Shri Chottu, PMB/IHP as Rs.885/- on 1.1.86 and further annual increment Rs.899/- w.e.f. 1.4.86 in the fixation letter of even No. dated 22.9.1993.

Necessary adjustment may be made accordingly."

Despite that the arrears amounting to Rs.9,888/- that had been calculated at that time were not paid. The same have not been paid till date.

3. The respondents state in their reply that a supplementary bill of Rs.9,888/- was prepared. It was sent to the Divisional Accounts Officer at Bikaner for auditing and payment. The said bill was returned unpaid due to non-availability of paid vouchers which is stated to be more than 10 years old. It has further been pleaded that the case of the applicant has been referred to Headquarters for approval of the competent authority for waiving the internal check through paid voucher.

4. The above said facts clearly show that the arrears of Rs.9,888/- admittedly are due. The same had been calculated in the year 1993 but till date, the same have not been paid. It is patent that the amount in fact is due to the applicant.

5. Learned counsel for the respondents state that interest may not be awarded because there is no special equity in favour of the applicant. The principle of law is not in controversy. There has to be some special equity in favour of the applicant. The facts of the present case



clearly indicate total callousness on the part of the respondents and for no valid reasons, the arrears due to a poor railway employee have been withheld.

6. Taking stock of the totality of facts and the callous attitude of the respondents, it is directed that within two months from today, the above said arrears with interest at 12% per annum from 1.10.93 upto date shall be paid to the applicant. With these directions, the O.A. is disposed of.

V.K.Majotra

( V.K. Majotra )  
Member(A)

V.S. Aggarwal

( V.S. Aggarwal )  
Chairman

/dkm/