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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1617/2002

New Delhi this the 29th day of October, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri V.K.Majotra, Member (A)

Shri Ashok Aggarwal,  
S/o Shri R.N. Aggarwal,  
R/O H.No.755, Sector-12,  
R.K.Puram, New Delhi. ....Applicant

(By Advocate Shri Keshav Kaushik )

VERSUS

1. Secretary,  
Ministry of Disinvestment,  
C.G.O./Complex, Block-14,  
Lodhi Road, New Delhi.
2. Secretary,  
Ministry of Commerce and Industry,  
Dept.t of Industrial Policy and  
Promotion, Udyog Bhawan, N/Delhi.
3. Secretary,  
Ministry of Home Affairs,  
Dept.t of Personnel and Training,  
North Block, New Delhi.
4. Shri V.P.Gupta,  
Under Secretary (Admn.),  
Ministry of Disinvestment,  
Block 11, CGO Complex,  
New Delhi. .... Respondents

(By Advocates Shri A.C. Aggarwal,  
Learned senior counsel with  
Ms Rinchen O.Bhutia )

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

In this application, the applicant is aggrieved by the action of the respondents that after transferring him from the Department of Heavy Industries and Public Enterprises to the Department of Disinvestment, he has not been paid his salary from that date. One of the main reliefs prayed for by the applicant is that a direction may

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be given to the respondents to pay him the salary due from 20.3.2002 till date with compensation and other reliefs as set out in Para 9.

2. We have heard learned counsel for the parties and perused the relevant documents on record.

3. The Tribunal by order dated 12.9.2002, after considering the circumstances of the case, directed the respondents to pay the salary of the applicant for the period in question i.e. salary from March, 2002 onwards by 19.9.2002 positively. Learned senior counsel for the respondents has submitted that this has been complied with by payment of salary of the applicant as Assistant from 20.3.2002 till date in accordance with the rules.

4. However, it is relevant to note that the respondents have failed to comply with the Tribunal's order dated 7.10.2002, in spite of the fact that Ms Rinchen Omengu, learned counsel had appeared on that date and had sought and was granted one week to file reply, <sup>18/2</sup> This has still not been filed so far which has also prevented the learned counsel for the applicant from filing his rejoinder by today. No satisfactory explanation has been given by the learned counsel for the respondents for this tardiness in filing the reply. Respondents have paid the salary of the applicant from March, 2002 to September, 2002 only after he had filed this OA on 13.6.2002, in pursuance of the aforesaid order of the Tribunal dated 12.9.2002. There

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appears to be no reason why the respondents ought to have not paid the salary due to the applicant, on his transfer by the concerned Department. In the facts and circumstances of the case, we see force in the submissions made by the learned counsel for the applicant that there appears to be some unwanted delay and lack of conscientiousness of the concerned official(s) with the respondents to pay the salary due to the applicant after transferring him to another Department i.e. the Department of Disinvestment.

5. No doubt it is only after the intervention of the Tribunal by the aforesaid order, that the respondents have now in compliance of the same, paid him the salary due to him for the relevant period. Learned counsel for the applicant has submitted that respondent No.4 was responsible for the delay in disbursement of applicant's salary to him for no good reasons. In this regard, we direct respondent No.1 i.e. Secretary, Ministry of Disinvestment to enquire into the delay and fix responsibility on the concerned official(s), so that as submitted by Shri Keshav Kaushik, learned counsel, such unnecessary and uncalled for delays do not occur in future.

6. In view of the facts and circumstances as mentioned above, as the main relief prayed for by the applicant has since been met with by the action of the respondents in releasing the due salary to the applicant, although belatedly, we do not consider it necessary to

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continue with this OA any further as it has now become infructuous. However, in the facts and circumstances of the case, we direct the respondents to pay cost of Rs.5000/- (Rupees five thousand only) to the applicant, which shall be done within one month from the date of receipt of a copy of this order, after taking necessary action as ordered in para 5 above to fix responsibility. The cost may also be ordered to be recovered from the concerned official(s) who are found responsible for causing the delay in payment of applicant's salary by respondent No.1 as he deems fit.

V.K. Majotra

(V.K. Majotra )

Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan )

Vice Chairman (J)

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