

Central Administrative Tribunal
Principal Bench: New Delhi

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O.A. No. 2403/2001

This the 5th day of August, 2002

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

Shri Tirath Pal, Junior Engineer,
S/o Shri Jhabbe Singh,
R/o 234, Gali No. 11, E Block,
East Gokul Pur,
Amer Colony, Shahadara, Delhi-93.

-Applicant

(By Advocate: Shri Naresh Kaushik)

Versus

1. Union of India through
Secretary, Ministry of Housing & Urban
Development, Nirman Bhawan, New Delhi.
2. Executive Engineer,
Hindon, Central Electric Circle,
C.P.W.D, Hindon, Airforce Station,
Ghaziabad, Uttar Pradesh.

-Respondents

(By Advocate: Shri Madhav Panikar)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Member (A)

Applicant, is a Junior Engineer in CPWD since 12.3.1981. He was placed in selection grade in 1998. According to the learned counsel, applicant's case is that though he had been attending office during the period June-August 2001, he has not been paid salary for the same period. He stated that applicant has been making representations to the respondents in this regard but they have not resolved the issue and that applicant would be satisfied if a senior official of the Department such as Superintending Engineer is directed to consider the case and satisfy himself whether the applicant has been attending office during the aforesaid period.

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2. Learned counsel of the respondents Shri Madhav Panikar stated that whereas the applicant had been absent from duty from time to time during July-August 2001 and the following amounts were sanctioned to applicant for the period he remained present in office during the aforesaid period, he refused to accept the amounts:-

July	2001	: Rs.1504/-
August	2001	: Rs.6611/-
September	2001	: Rs.10,920/-
D.A. Arrears		: Rs. 265/-(for the period July 2001 to Sept. 2001)

3. Learned counsel also drew our attention to Annexure-23 dated 20.6.2001 where applicant had been shown as absent from 1 to 19.6.2001 from duty.

4. After considering the submissions made by both the learned counsel, we find that the issue involved in this case is essentially one of the facts *which* respondents would be in a position to verify from the records, and in this view of the matter we find that interest of justice would be duly served if at the level of Superintending Engineer, to be nominated by Respondent No.1, it is verified from the records whether the applicant had been present in office during the period June, 2001 to August, 2001. He should also afford a reasonable opportunity to the applicant of a hearing in the matter and decide the issue. The respondents are directed to take appropriate action in terms of the above orders within a period of three months from the date of receipt of a copy of this order. The Superintending Engineer will

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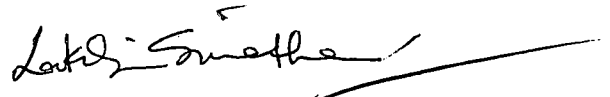
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pass the orders how the period from June to August 2001 th should be treated and pass orders for payments accordingly. In view of the submissions made by learned counsel for applicant, order of the Superintending Engineer in the matter shall be treated as final.

5. The OA is disposed of in the above terms. No order as to costs.



(V.K. Majotra)
Member (A)



(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

cc.