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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.683/2001

Tuesday, this the 5th day of February, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Karan Singh Yadav
S/O Late Ram Swaroop Yadav
R/O House No.338
Village & Post Office - Mundka
Delhi -41.

..Applicant

(By Advocate: Shri Yogesh Sharma, learned proxy counsel
for Shri Ramesh Sharma, learned counsel
along with applicant)

Versus

1. Govt. of National Capital Territory of Delhi
Through the Chief Secretary
Old Secretariat
Sham Nath Marg
Delhi-54
2. The Commissioner
Food, Supplies & Consumer Affairs
K-Block, Vikas Bhawan
New Delhi -2
3. The Directorate of
Training & Technical Education
T.V. Tower, Pitampura
Wazirpur Industrial Area
Delhi-52.

..Respondents

(By Advocates: Shri Ashwani Bhardwaj, learned proxy
counsel for Shri Rajan Sharma, learned
counsel for Respondents 1 & 3 -
Mrs. Jasmine Ahmed, learned counsel for
Respondent 2)

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi, M (A):

While working as LDC in the Department of
Technical Education (ITI), the applicant was placed under
suspension by respondents' order dated 28.7.1994 (A-A).
The same was subsequently revoked by an order passed on
28.11.1994 (A-B). The amount of pay and allowances due
to the applicant in respect of the aforesaid period from
28.7.1994 to 28.11.1994 was not paid soon enough and that

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is why the present OA. The prayer made is for the payment of full wages due to the applicant w.e.f. 28.7.1994 up-to-date.

2. We have heard the learned counsel on either side and have perused the material placed on record.

3. It would appear that following the revocation of the order of ~~the~~ suspension on 28.11.1994, the applicant proceeded on leave w.e.f. 1.12.1994 and remained on leave upto 17.3.1996, for a total period of 472 days. The aforesaid period was at long last regularised by the respondents belatedly on 27.4.2001. Extra-ordinary leave on private affairs was granted to the applicant in respect of the aforesaid period. While the applicant was thus on a longish leave, he was transferred from the Department of Training & Technical Education (DTTE) to the Department of Food & Civil Supplies (DFCS) by an order passed by the DTTE on 15.11.1995. Since the applicant was ^{on} ~~on~~ leave, he could not join the DFCS on the said date. However, he ultimately joined DFCS on 10.4.1996. Thereafter, he has remained at work in the DFCS. The respondents duly considered the matter and after regularising the aforesaid leave on 27.4.2001 passed orders on 3.5.2001 (page 34 of the paper book) releasing the payment of pay and allowances due to the applicant not only in respect of the period of his suspension, but also in respect of the period beyond right upto 9.4.1996. Subsequently, the payment involved amounting to Rs.25081/- has also been made to the applicant. The applicant has received the aforesaid

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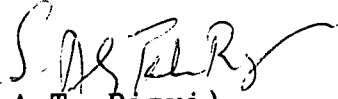
amount. A ^{and} due drawn statement giving details of the aforesaid payment has been shown to him, and a copy of the same has been supplied to the learned proxy counsel for the applicant in the Court today.

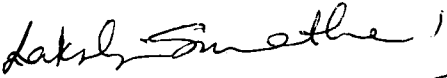
4. The learned proxy counsel appearing on behalf of the respondent No. 2 avers that payments in respect of the period from 10.4.1996 onward, during which the applicant has worked in the DFCS, have also since been made, and a total amount of Rs.1,22,099/- has been paid vide Annexure R-7. According to her, the respondent No.2 succeeded in making the aforesaid payment only after the last pay certificate was received from the DTTE in May, 2001. There is, therefore, no delay in arranging payments at the level of the respondent No.2. She also submits that the applicant's pay has been fixed at Rs.3050/- w.e.f. 1.1.1996 and this is due to the failure of the applicant to clear the typing test in accordance with the rules. The applicant is, therefore, being paid @ Rs.3050/- PM and the aforesaid payments have been made by calculating the dues at the aforesaid rates. Increments will be sanctioned in favour of the applicant only after he clears the typing test. An amount of Rs.8066/- which was over paid to the applicant by the DTTE and was reflected in the LPC has been recovered by the respondent No.2 at the time of making the aforesaid payments. Beyond this, nothing is due to the applicant.

5. We have considered the rival contentions raised by the parties and the facts and circumstances outlined in the preceding paragraphs and find that the OA is ^{in the circumstances} left with no merit and deserves to be dismissed. 2

6. Before we part with this order, we would like to point out that ^{on the case being called out} the learned proxy counsel for the applicant had first sought a pass over which was granted. However, later, he pressed for a short adjournment on the ground that the (regular) learned counsel for the applicant has not been able to come to the Court. Since the case ^{has been} listed for PFH, we have gone ahead with the case. We have noted that the applicant himself remained present in the Court while the aforesaid order was being dictated.

7. The present OA is dismissed in the aforestated terms. No costs.


 (S.A.T. Rizvi)
 Member (A)


 (Mrs. Lakshmi Swaminathan)
 Vice Chairman (J)

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