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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO.404/2004 In O.A. 125/2001

This the 18th day of February 2005.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE MRS MEERA CHHIBBER, MEMBER (J)

Madan Lal,
S/o. Shri Milkhi Ram,
R/o. Q. No. H-69,
Kali Bari Marg,
New Delhi.

... Applicant

(By Shri S. C. Sharma, Advocate)

versus

1. Shri Anurag Khare
Executive Engineer, C.P.W.D.,
Parliament Works Division - 4,
Vithal Bhai Patel House,
Rafi Marg, New Delhi.

... Respondents

(By Shri D. S. Mahendru, Advocate)

ORDER (ORAL)

Hon'ble Shri V.K.Majotra, Vice-Chairman (A) :

Learned counsel heard. OA 125/2001 was disposed of vide order dated 28th November, 2001 (Annexure P-1) with the following observations / directions to the respondents :-

“(5) Insofar as the applicant's case for actually working as Enquiry Clerk is concerned, the respondents appeared to be non-committal. We find ourselves unable to appreciate this attitude of the respondents. Along with his OA the applicant has filed several documents which go to show that he has discharged the duties of an Enquiry Clerk for a long enough time. For instance, in his application dated 10.10.2000 (Annexure - F), the applicant has stated that he has been doing the work of an Enquiry Clerk from February, 1979 onwards. This application, we find, has been forwarded by the concerned Junior Engineer to the Assistant Engineer with the remark that the applicant had been working on the job of Enquiry Clerk till date in the V.B.P. House till. On this basis and taking into consideration the other documents placed on record, we are satisfied that there is a prima facie case for holding that the applicant has worked as Enquiry Clerk for a long enough time, and this being, he deserves to be paid salary for the period he did the job of an Enquiry Clerk by being placed in the pay scale of a Clerk, on par with several others who had been paid similarly.



(6) In the light of the foregoing, we allow this OA in part and direct the respondents to scrutinize their record thoroughly with the help of whatever documents have been made available by the applicant and to arrive at the total period during which the applicant is likely to have discharged the duties of an Enquiry Clerk even though posted formally as a Muster Roll worker or as a Beldar. Having worked out the total period as above, the respondents will proceed to make such payment to the applicant as is found due to him by placing him for the period in question in the pay scale of a Clerk. This exercise will be undertaken by the respondents forthwith and completed within a maximum period of four months from the date of receipt of a copy of this order. We direct accordingly.

No costs."

2. Learned counsel for the applicant stated that respondents have not given cognizance to the documents filed by the applicant as also findings of this Court to the effect that applicant has been working as Inquiry Clerk from February, 1979 onwards. On the other hand, learned counsel for the respondents stated that in terms of Tribunal's direction respondents have scrutinized their record with the help of the documents made available by the applicants. However, it was found that Shri Jitendra Kumar, Assistant Engineer who was stated to have issued the certificate to the applicant regarding the fact that he had worked as Inquiry Clerk, *has denied to have issued any such certificate.* Learned counsel referred to Annexure R-I and R-II dated 07.01.2002 and 19.01.2002 respectively. Learned counsel further drew our attention to Annexure R-II dated 20.05.2004 and 07.06.2004 stating that after verification of the documents filed by the applicant as also the records available with the respondents, The work days were calculated and applicant was offered payment. However, the applicant has refused to accept the payment. Learned counsel for the applicant on instruction stated that the payment as stated in Annexure dated 07.06.2004 attached with respondent's reply affidavit is not correct and not in terms of the documents filed by the applicant as also their own records as such applicant is not willing to accept the same.

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We

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3. We have considered the rival contentions and find that there is no specific findings in Tribunals order dated 28.11.2002 regarding dates or the period for which the applicant discharged the duties of the Inquiry Clerk. As such respondents have complied with direction of this Court. Contempt proceedings are dropped and the respondents are discharged. However, we have ascertained from the applicant as also the learned counsel of the applicant whether he would be willing to accept the amount to be offered by the respondents on the basis of Annexure R-2 dated 20.05.2004 and order dated 07.06.2004. They have agreed to accept this amount on protest. Respondents have agreed that if the applicant visits office of the Executive Engineer, C.P.W.D., Parliament Works Division 4, New Delhi on Monday the 21st February, 2005, the payment would be made to be applicant. The applicant remaining aggrieved shall have liberty to agitate the matter by restoring to appropriate legal procedure.


 (Meera Chhibber)
 Member (J)


 (V. K. Majotra)
 Vice-Chairman (A)

18.2.05

/Maya/