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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1378 of 1999

New Delhi, this the 22nd January, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri S.P. Arora  
S/o Shri Ramji Dass  
R/o 6712/A, Navi Karim,  
New Delhi-110 055.

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- APPLICANT

(By Advocate: Shri J.C. Madan)

Versus

1. The Chief Secretary,  
NCT of Delhi.
2. The Commissioner of Sales Tax  
Office of the Commissioner of Sales Tax,  
Govt. of NCT of Delhi,  
Bikrikar Bhawan, IP Estate,  
New Delhi-110 002.
3. The Sales Tax Officer,  
Ward No.106,  
Sales Tax Department,  
Bikrikar Bhawan,  
Delhi.

-RESPONDENTS

(By Advocate: None)

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

The applicant in this OA has asked for  
the following reliefs:-

(i) To pass an appropriate order or issue  
direction to the respondents to release payment of  
regular salary of the applicant from the month of  
December, 1998 onwards with interest @ 18% per annum  
till the date of actual payment.

(ii) To issue appropriate directions to the  
respondents not to relieve the applicant from the Sales  
Tax Department till he is paid all the arrears of his

*[Signature]*

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salary due to him from the month of December, 1999 till date with interest.

2. The facts in brief are that the applicant is an employee of the NCT of Delhi. He was initially employed in the Irrigation and Flood Control Department of Delhi Administration, where he worked till 16.11.1989. From there by the orders issued by Services-II department he was transferred to the Sales Tax Department.

3. He further alleges that all of a sudden he was transferred out of the Sales Tax department vide Annexure A-2. The applicant alleges that this order was passed in a most arbitrary and discriminatory manner and was not passed by the competent authority since the same was not passed by the Services-II department of the NCT of Delhi, rather the same was passed by the Sales Tax department itself who had no competence to pass such a transfer order by sending one person from one department to another department. However, in compliance of the said order, the applicant had reported to the Services-II department but the Services-II department did not give him any posting as the vacancies were not available with the Services-II department. But somehow in the month of July, 1999 the applicant was directed to report to the NCC directorate, of NCT of Delhi and the applicant joined the Directorate of NCC in August, 1999 and is getting his salary from the Directorate of NCC. So the grievance of the applicant is that for the period from December, 1998 onwards till July, 1999 he has not been paid salary

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without any rhyme or reason, so he claims the same.

4. In this case reply has been filed only by the Sales Tax department who state that the applicant was relieved on 16.11.1998 but he did not report for duty at the Services-II department so the Sales Tax department has no liability, as such the salary is to be paid by the Services-II department to the applicant.

5. The applicant has filed a rejoinder thereof denying the allegations levelled against him and the applicant had reported for duty to the Services-II department, but had not been given any job and he has been kept waiting in the verandah etc.


6. I have heard Shri J.C. Madan, Counsel for the applicant but no one has appeared for the respondents.

7. After the applicant had been given job in the NCC Directorate, he has been paid salary, as admitted by the applicant himself. However, now the period in dispute is from 16.11.998 till July, 1999. Since there is nothing authenticated on record to show that during this period the applicant had been reporting to the Services-II department, so instead of passing any order, I dispose of this OA by directing the respondents to decide the period from 16.11.1998 to July, 1999 within a period of 2 months. In case the department finds that the applicant had not reported for duty, then the interregnum period may be treated as the kind of leave

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due and the admissible salary as per rules and instructions on the subject, be paid to him. O.A. is disposed of accordingly. No costs.

  
( KULDIP SINGH )  
MEMBER(JUDL)

/Rakesh