

Central Administrative Tribunal  
Principal Bench

O.A. No. 158 of 1999

New Delhi, dated this the 28th July, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Jag Roshan,  
S/o late Shri Bihari Lal,  
R/o RZ-140-A, Raj Nagar II,  
Palam Colony,  
New Delhi-110045.

.. Applicant

(By Advocate: Shri A.K. Trivedi)

Versus

- 1.. Union of India through  
the Secretary,  
Ministry of Defence,  
South Block,  
New Delhi-110011.
2. Engineer-in-Chief,  
E-in-C's Branch, Army Headquarters,  
Kashmir House, New Delhi.
3. Chief Engineer, W.C.,  
Headquarters Western Command,  
Engineers Branch, Chandimandir,  
Chandigarh.
4. Chief Engineer,  
Delhi Zone,  
Delhi Cantt.-110010.
5. Commander Works Engineer, Delhi,  
Delhi Cantt-110010. .. Respondents

ORDER(ORAL)

Mr. S.R. Adige, VC (A)

Applicant seeks a direction to respondents to consider his case for O.T.P. w.e.f. 1.4.91 with all consequential benefits including arrears of pay w.e.f. 1.4.91 and interest @ 18% thereon.


2. We have heard applicant's counsel Shri Trivedi and respondents' counsel Shri Gajendra Giri.

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3. Our attention has been invited to Respondents' letter dated 6.5.97 (Annexure A-1) enclosing a note wherein a view has been expressed that this is a fit case for grant of O.T.P. to applicant w.e.f. 1.4.91, because as per Respondents' own records he was a poen on 1.4.91 and was stagnating at the maximum of the pay scale w.e.f. 1.4.88.

4. Applicant had actually joined on the promoted post of Daftary on 21.10.91, and, therefore, on 1.4.91 when the O.T.P. scheme came into effect applicant was actually physically working as poen and, therefore, cannot be denied the benefit flowing from that Scheme. Shri Giri states that the scheme was received in the respondents' office on 28.10.91, but mere delay in the transmission of the scheme to respondents' organisation is not sufficient to deny applicant the benefit of the scheme if he is otherwise entitled to the same.

5. In the result the O.A. succeeds and is allowed to the extent that applicant should be granted the benefit of O.T.P. scheme w.e.f. 1.4.91, with consequential benefits flowing therefrom including arrears of pay. These directions should be implemented within two months from the date of receipt of a copy of this order. The prayer for interest is rejected as there are no good grounds which warrant grant of the same. No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

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