

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 581/1999

New Delhi this the 12th day of April, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

Shri Parnesh Chander
S/O Shri Jagan Nath,
R/O X-4175, Gali No. 14,
Shanti Mohalla, Gandhi Nagar,
Delhi.

..Applicant

(By Advocate Shri D.R. Roy)

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Union of India through

1. General Manager,
Northern Railway, Head Quarters
Baroda House, New Delhi-110001

2. Divisional Railway Manager,
Northern Railway,
New Delhi.

..Respondents

(By Advocate Shri R.L. Dhawan)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

In this application, the applicant has prayed for a direction to the respondents to commute the difference of wages due and drawn right from 1.3.1980 to 30.6.1997, month to month and pay to him with interest at the rate of 18 % per annum from the date the actual amount becomes due.

2. The applicant has stated that it is only after a long chase and continued persuasion, the respondents have declared and admitted by their orders dated 5.6.1997 and 29.7.1997 that certain sum of amounts are due to him. The applicant has submitted that he joined the Northern Railway as Group

'D'employee on 31.12.1960 and was promoted as Artisan Class III thereafter. His grievance is that the respondents have declared him fit to cross the Efficiency Bar(EB) with effect from the due date and issued Office Order dated 5.6.1997 for the increments due to him from 1.3.1980 to 1.3.1985 and another Office Order dated 29.7.1997 with respect to increments w.e.f. 1.3.1986 to 1.3.1997. Shri D.R.Roy, learned counsel has submitted that after issuing the necessary letters dated 5.6.1997 and 29.7.1997 by which the applicants' claims were acknowledged, there has been undue delay on the part of the respondents in disbursing the due amounts to the applicant.

3. We note from the Tribunal's order dated 13.7.2000 that the learned counsel for the applicant had acknowledged the receipt of Rs.20,992/- and Rs.14,575/-. He has today confirmed that these amounts were received by him in March, 2000. Learned counsel has also submitted that an amount of Rs.19,315/- has been received by the applicant on 9.4.2001. He has also submitted that in pursuance of the Tribunal's order dated 13.7.2000, the applicant had also submitted the details of further amounts which, according to him are still due to him, which the learned counsel submits is a balance of about Rs.3,216/-.

4. Shri R.L.Dhawan, learned counsel has submitted that the relevant records in relation to payment of the applicant have been seized for vigilance investigation. He has submitted photo copy of the seizer Memo., the relevant portion of which reads as below:-

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"The pay record register of C Tour for the employees of C&I/TKD w.e.f.4-89 to April-92, is hereby seized for vigilance investigation. Total three registers on date 1.6.1992.

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According to the learned counsel, the above seizer memo pertains to the pay records of the applicant also and that is the reason there has been delay in payment of the dues to the applicant. This is, however, disputed by the learned counsel for the applicant.

5. We are unable to agree with the contentions of the learned counsel for the respondents that the above seizer Memo is a sufficient ground for the inordinate delay in payment of the dues to the applicant. Seizer Memo does not also refer to the applicant's case nor is there any specific reply filed by the respondents to this effect that the applicant was facing ^a vigilance enquiry at the relevant time. Apart from this we note that after this OA had been filed on 11.3.1999, the respondents have indeed made the payments to the applicant, as noted above. Shri R.L.Dhawan, learned counsel has submitted that this has been done on the basis of photo copies taken from the seizer file. He was, therefore, unable to explain as to why this action could not have been taken earlier, as it was incumbent upon them to make the payment in time, which has only been made to the applicant in March, 2000 and April, 2001. It is further relevant to note that the Annexure A.1 order issued by the respondents is dated 29.7.1997, which is later to the seizer memo, in which the date is indicated as 1.6.1992. Three registers have been seized for

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vigilance investigation. In the circumstances we find force in the submissions made by Shri D.R.Roy, learned counsel that this is a case where interest should be awarded to the applicant because there has been inordinate delay on the part of the respondents in not releasing the due amounts to the applicant in time.

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6. In the facts and circumstances of the case considering the fact that some amounts which have been paid to the applicant in the year 2000-2001, were due to him as early as 1980, we consider that this is a fit case where the respondents should be directed to pay interest.

7. Learned counsel for the applicant has also submitted that there is still an amount of Rs.3216/- outstanding. In the circumstances of the case, a further direction will be given to the respondents to re-check the amount due.

8. In the result, for the reasons given above the OA succeeds and is allowed with the following directions:-

(i) The respondents shall pay interest at the rate of 12 % per annum on the amounts due to the applicant from the due dates till the date of actual payment.

(ii) Respondents are further directed to re-check the amount due and payable to the applicant regarding his outstanding claim for Rs.3216/- and pass

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a reasoned and speaking order with intimation to the applicant. If any further amount is due this shall be paid to the applicant.

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(iii) The above directions shall be complied with by the respondents within a period of two months from the date of receipt of a copy of this order.

(iv) In the facts and circumstances of the case, cost of Rs.1000(Rupees One thousand only) is awarded in favour of the applicant and against the respondents.

(Govindan S. Tampi)
Member(A)

(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

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