

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 73 of 1999 decided on 14.7.1999

Name of Applicant : V.P.Sharma

By Advocate : Shri S.K.Gupta

Versus


Name of respondent/s Govt. of NCT Delhi & another

By Advocate : Ms.Jyotsana Kaushik through proxy
counsel Shri Ajesh Luthra

Corum:

Hon'ble Mr. N. Sahu, Member (Admnv)

1. To be referred to the reporter - Yes/~~No~~
2. Whether to be circulated to the other Benches of the Tribunal. -~~No~~/Yes


(N. Sahu)
Member (Admnv)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.73 of 1999

New Delhi, this the 14th day of July, 1999

Hon'ble Mr. N. Sahu, Member(Admnv)

V.P.Sharma, S/o Shri O.P.Sharma, R/o
E-150, New Vijay Nagar, Ghaziabad, (U.P.) - APPLICANT

(By Advocate Shri S.K.Gupta)

Versus

1. Govt. of N.C.T. of Delhi, Through:
Chief Secretary, 5, Sham Nath Marg,
Delhi.
2. Chief Fire Officer, Delhi Fire
Service, Connaught Circus, New
Delhi-110001 - RESPONDENTS

(By Advocate Ms.Jyotsana Kaushik through
proxy counsel Sh. Ajesh Luthra)

O R D E R

By Mr. N.Sahu, Member(Admnv)

The prayer in this Original Application is for a direction to the respondents to release the annual increments from 1983 onwards upto the year 1997.

2. The above relief is claimed in the background of the following facts - the applicant joined as a Telephone Operator in 1969 and was regularized with effect from 1.6.1971. By an order dated 18.10.1982 respondent no.2 imposed penalty of reduction in the time scale by three stages. Consequently, by a letter dated 29.8.1985 the pay of the applicant was reduced to Rs.296/- from Rs.314/-. Upto 1986 he was paid basic pay of Rs.296/-. His grievance is that he is being paid the salary at the

minimum of the scale of Rs.950-1200 which is the replacement scale of Rs.260-400. He made a representation and a reminder followed by another representation. Nothing purposeful had happened.

3

3. It is submitted, in response to notice, by the respondents that as the applicant remained absent with effect from 19.3.1991 to 14.5.1995, there is a vigilance enquiry pending for unauthorized absence from March, 1991 to May, 1995. It is stated in the counter that the arrears will be cleared only after the vigilance enquiry for unauthorized absence is completed.

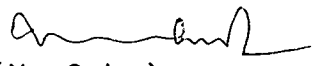
4. I have heard the arguments of rival counsel appearing in this case. After the applicant served the penalty of reduction in time scale by three stages, the respondents were duty bound to consider his pay in the time scale. On the completion of the penalty period the scale is restored with increments unless there is a specific direction to stop the sequence of increment. By an order dated 28.8.1985 the applicant was fixed at Rs.314/- on 1.6.1980 and on 18.10.1982 he was fixed at Rs.296/-. I cannot now adjudicate on the merits of this fixation order dated 28.8.1985 (Annexure-A-2). But the respondents are duty bound to implement the scale of pay from 18.10.1982 after the penalty had run its course. This has nothing to do with unauthorized absence from 1991-1995. The vigilance enquiry initiated is a different proposition for which if the applicant is found to be guilty he would face the consequences but the respondents have caused grave injustice to the

applicant in depriving his alleged dues as per the earlier scale of Rs.260-400 or the replacement scale of Rs.950-1200 at least upto 19.3. 1991 from which date it is alleged the applicant was absent unauthorizedly. 9

5. I, therefore, direct respondent no.2 to work out the arrears due to the applicant on account of his increments from time to time at least till March, 1991 and pay the same with an interest of 15% per annum within a period of three months from the date of receipt of a copy of this order. I further, direct that a decision be taken on his alleged unauthorized absence and if any enquiry is contemplated, the same should be concluded within a period of four months from the date of receipt of a copy of this order. Consequential benefits, to the applicant, in terms of his pay in the pay scale, will depend on the decision taken on the vigilance enquiry conducted against the applicant.

6. The OA is disposed of as above. No order as to costs.

rkv.


(N. Sahu)
Member(Admnv)