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CENTRAL ADMINISTRATIVE TRIBUNAL. PRINCIPAL BENCH

OA No.2284/1998

New Delhi, this 10th day of February, 1999

Hon'ble Shri T.N. Bhat, Member (J)
Hon'ble Shri S.P. Biswas, Member(A)

S.P. Arora
6712A, Nabi Karim
New Delhi

... Applicant

(By Advocate Shri N.H.Zuberi)

versus

Commissioner of Salex Tax
Govt. of NCT of Delhi
IP Estate, New Delhi

Sales Tax Officer
Ward No.106, Bikrikar Bhavan
Delhi

... Respondents

(By Advocate S.K.Gupta, proxy for Shri B.S.Gupta)

ORDER(oral)

Hon'ble Shri T.N. Bhat

We have heard the learned counsel for the applicant.

2. The applicant is working under the respondents since 17.7.97. He is aggrieved by the action of respondents in not arranging payment of arrears of salary which became due to him on the basis of the recommendations of the 5th Central Pay Commission as accepted by the Government. He further claims release of instalments of DA due to him.

3. It appears that prior to his joining the respondent-department, the applicant was working with the Irrigation & Flood Control Department, Govt.of NCT of Delhi and according to the respondents since due and drawn statement from that department has not been received by them, they have

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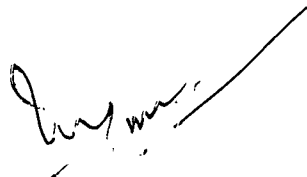
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not been able to make payment of arrears. In reply, the learned counsel for the applicant rightly relied upon Rule 83 of Receipt & Payment Rules under which the pay and allowances due to the employee in respect of the old post which could not be drawn at the time of transfer, may be drawn by the Drawing & Disbursing Officer who is responsible to draw and disburse emoluments of the Government servant against the new post. It is true that due and drawn statement is required to be prepared and sent to the old department for verification of the claim. But it is equally true that it is for the department in which the applicant is working at present to first prepare due and drawn statement and send it to the employee's old office for verification of the claim.

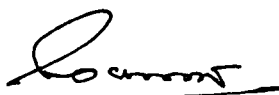
4. Keeping the above in view, we allow this OA and direct the respondents to prepare the due and drawn statement in respect of the arrears for the period for which the applicant had worked in the Irrigation & Flood Control Department and send it to them for verification of applicant's claim and thereafter on the basis of the verification release payment to the applicant.

5. We are also told by the learned counsel for the applicant that he has not been paid his salary for the months of December, 1998 and January, 1999.



Learned counsel for the respondents states that since the applicant is already transferred to another department but has not joined there, they could not release the salary. Since this claim has not been included in the OA, we refrain from giving any direction on this account. However, we leave it open to the applicant to approach the authority concerned, who shall consider the same.

6. With the above, ^{order} the OA is disposed of leaving the parties to bear their own costs.



(S.P. Biswas)
Member(A)

/gtv/



(T.N. Bhat)
Member(J)