

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 552/1998

(11)

New Delhi this the 16th day of October, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri V.K.Majotra, Member (A)

Umed Singh
R/O V & P.O. Ladpur,
Delhi.

.. Applicant

(By Advocate Shri A.K.Bhardwaj)

Versus

1. National Capital Territory of Delhi
through

The Secretary,
Govt. of National Capital Territory of Delhi
(Department of Medical & Public Health),
5, Shamnath Marg, Delhi-54.

2. The Pay and Accounts Officer,
XV, L.N.Hospital Complex,
New Delhi.

3. The Medical Superintendent,
Lok Nayak Hospital,
New Delhi.

.. Respondents

(By Advocate Shri Ajay Gupta)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A)

The applicant was appointed as Junior Radiographer in Loknayak Hospital w.e.f. 13.2.1968. He was promoted as Senior Radiographer in 1972 and further promoted as Technical Assistant in May, 1983. He was further promoted as Senior Supervisor(Radiology) in the pay scale of Rs.2000-3500 on ad- hoc basis and was posted at Loknayak Hospital. He has alleged that without giving him any show cause notice, his pay was stopped w.e.f. May, 1997. He made representations on 13.10.1997, 10.11.1997, 24.10.1997 and 15.12.1997 to the

respondents requesting them to pay his salary since May, 1997 onwards. On 23.12.1997, the applicant was transferred to G.B.Pant Hospital on the lower post of Senior Technical Assistant. The applicant has sought direction to the respondents to release his pay w.e.f. May, 1997 onwards with interest @ 18% for the delayed payment. He has also prayed that such other order as may be deemed fit and proper in the existing facts and circumstances of the case may also be passed.

2. In the counter, the respondents have stated that the applicant was allowed to function as Senior Supervisor upto 31.1.1997 thereafter he has worked on the lower post i.e. Senior Technical Assistant since 31.1.1997. The respondents have also contended that vide order dated 23.12.1997 (Annexure A-7) the applicant was transferred and relieved for posting in J.B.Pant Hospital. The respondents have also admitted that the applicant was paid sum of Rs.72,593/- towards his salary on 15.7.98 as clarified during the hearing by the learned counsel for the respondents. The applicant has not filed any rejoinder.

3. We have heard learned counsel of both sides and perused the materials on record carefully.

4. According to the learned counsel of the applicant, although the term of the applicant as ad-hoc appointee to the post of Senior Supervisor was not extended beyond 31.1.1997 he was allowed to function as such and was ultimately paid also as Senior Supervisor. However, the respondents have not

paid any interest on the delayed payment nor have they granted any increments to the applicant. In this view of the matter, learned counsel claims on behalf of the applicant interest on delayed payment as well as grant of increments in the scale of Senior Supervisor whenever due.

5. Learned counsel of the respondents stated that the applicant could not be paid his salary as he has refused to accept his salary. The respondents have not been able to show any record regarding applicant's refusal to accept any salary. They had neither paid the salary to the applicant for the post of Senior Supervisor nor that of Senior Technical Assistant and ultimately they paid him salary amounting to Rs.72,593/- on 15.7.98 against the post of Senior Supervisor. We find that the applicant ~~was not~~ ^{at} fault as he has been making representations to the respondents for his payment which was ultimately paid to him on 15.7.98 since May, 1997 ultimately. There has been delay in the payment from May, 1997 to July, 1998. Thus there is complete justification that the applicant should be awarded interest for the delayed payment of his salary. In the circumstances, we feel that it would be fit and proper ^{and} in the interest of justice to direct the respondents to pay simple interest @ 10% on monthly basis ^{on delayed payments by} for the period from May, 1997 to July, 1998. Learned counsel of the applicant during the course of arguments has contended that the applicant has not been paid any increments while he functioned as Senior Supervisor w.e.f. May, 1997 although he continued to function

there-
as Senior Supervisor even after. It would be appropriate
to direct the respondents in this behalf that they verify
the claim of the applicant from records and grant him
increments from 1997 onwards in the post of Senior
Supervisor from due dates in accordance with Rules and
instructions and we order accordingly.

6. The respondents are further directed to implement
the aforesaid orders within a period of two months from the
date of receipt of a copy of this order. No order as to
costs.

V.K.Majotra

(V.K.Majotra)
Member (A)

Lakshmi Swaminathan

(Smt.Lakshmi Swaminathan)
Member (J)

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