

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1005/98

VB

New Delhi, this the 30th day of November, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Ranjit Singh
S/o Shri U.S. Singh
Aged 37 years,
R/o F-273, Nanak Pura.
New Delhi-110021.
(By Advocate: Sh. A.K. Behera)

Vs.

1. Govt. of N.C.T. of Delhi through
the Medical Superintendent,
Deen Dayal Upadhyay Hospital,
Hari Nagar,
New Delhi.
2. The Commissioner (Sales Tax),
Bikri Kar Bhavan, Near ITO,
New Delhi.
3. The Chief Secretary,
Govt. of N.C.T. of Delhi,
Old Secretariat,
Delhi-110054.
(By Advocate: Sh. Surat Singh)

O R D E R

delivered by Hon'ble Shri T.N. Bhat, Member (J)

The applicant who is working as UDC from 13.10.92 in the office of the Commissioner, Sales Tax, New Delhi has come to the Tribunal against the action of the respondents in not releasing his salary from the aforesaid date. He is further aggrieved by the memorandum dated 23.4.98 whereby the respondents have asked the applicant to handover the complete charge of the post of Cashier in Deen Dayal Upadhyay Hospital which he was holding prior to his promotion to the post of UDC.

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2. It is averred by the applicant that after his promotion as UDC the applicant fell sick and remained so for 257 days w.e.f. 26.10.92 and the aforesaid leave has already been sanctioned by the respondents as medical leave. When the applicant joined back as UDC in Sales Tax Department after being declared fit on 26.8.93 he was not paid any salary. The applicant continued to pursue his case for payment of salary with Resp. No.2. However, on each occasion he was told that as and when the service book and the personal file of the applicant is received he will be paid his salary. According to the applicant no salary has been paid to him for the entire period from the date of his promotion.

3. The respondents have in their counter taken the plea that the applicant had not handed over his complete charge of the post of Cashier which he was holding prior to his promotion. The respondents have admitted that the applicant has not been paid salary and the reason given is that his last pay certificate was not received from his previous department.

4. We have heard the learned counsel for the parties and have perused the material on record.

5. As already mentioned the respondents have not disputed the fact that the applicant has not been paid salary from 13.10.92. The reason given by the respondents for non-payment of salary cannot be accepted as a valid ground for non-payment of salary. In this regard, we may state that according to the notings on the departmental records, a copy of which has been annexed as Annexure A-2

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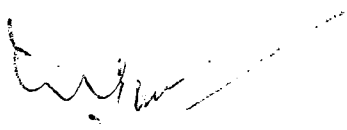
to the OA, the applicant has cleared the charges of cash etc. on 9.10.92 and the concerned official in the office of Deen Dayal Upadhyay Hospital approval was sought for relieving the applicant. In these circumstances the respondents cannot justify their action in not paying salary to the applicant.

Even assuming that the applicant had not handed over complete charge, as contended by the respondents, the applicant's salary cannot be withheld on the aforesaid ground. Salary can be withheld only as a measure of punishment and that too after disciplinary proceedings have been initiated.

For the aforementioned reasons we are of the considered view that this OA deserves to be allowed.

In the event, this OA is allowed and the respondents, more particularly Resp. No.2, ^{are} ~~is~~ directed to pay to the applicant his salary from 13.10.92 till date within a period of 2 months from the date of receipt of a copy of this order. In case the applicant's salary including arrears is not released within the said period the respondents shall be liable to pay interest @ 12% per annum commencing from the date of completion of 2 months from the date of receipt of the copy of this order till the date of actual payment.

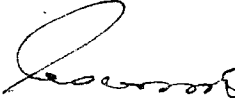
For the purpose of enabling the applicant to receive his salary from Resp. No.2 the Resp. No.1, namely, Medical Superintendent, Deen Dayal Upadhyay Hospital, New Delhi is hereby directed to issue LPC of the

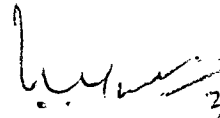


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applicant within one month from the date of receipt of a copy of this order, failing which Resp. No.1 shall also be liable to pay interest at the above rate on the amount of salary including the arrears.

:0. With the above order, the OA is disposed of. No costs.


(S.P. BISWAS)
Member (A)

 30.11.98.
(T.N. BHAT)
Member (J)

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