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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1671/1995 & M.A. 2421/1995

New Delhi this the 16th day of November, 1995.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN
HON'BLE SHRI D. C. VERMA, MEMBER (J)

Mool Chandra,
Joint Director,
Central Statistical Organisation,
Deptt. of Statistics,
Ministry of Planning & P.I.,
16, Akbar Road,
New Delhi-110011.

... Applicant

(In Person)

-Versus-

1. Union of India through
Secretary, Ministry of
Planning and Programme
Implementation, Department
of Statistics,
Sardar Patel Bhawan,
Parliament Street,
New Delhi-110001.

2. The Deputy Secretary,
Ministry of Planning &
Programme Implementation,
Deptt. of Statistics,
Sardar Patel Bhawan,
Parliament Street,
New Delhi-110001.

... Respondents.

(By Shri K. C. D. Gangwani, Advocate)

O R D E R (ORAL)

Shri N. V. Krishnan, Act. Chairman :-

The applicant is a Joint Director in the Central Statistical Organisation, Department of Statistics. He states that though he has engaged a counsel, he has no money at all to pay him and hence, he is permitted to argue his own case.

2. An M.A. has been filed by the applicant for a direction to the respondents to make provisional payment of the monthly salary of the applicant w.e.f. April, 1995 till date, to regularise his subsequent

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monthly salary. The applicant has impleaded in the O.A. the Ministry of Planning and Programme Implementation. The prayer in the O.A. is as follows :-

- "(a) to release the monthly salaries since April, 95 till date with interest as per admissible rate.
- (b) to issue an order further for payment of his subsequent salaries in future on last working day of the month except the monthly salary for the month of March every year (which is payable on 1st April) with all due increments etc. with arrears till final disposal of this case.
- (c) to direct the respondent to adjust the TA/DA of this applicant incurred towards collecting the "No dues Certificate" in the Ministry of the Health & Family Welfare N.S.S.O. (FOD).
- (d) to direct the respondent to pay interest as per admissible rate on all previous monthly salaries paid after last working day of the same month or 1st April in case of the monthly salary of the month of March as the case may be.
- (e) to direct respondents to permit the applicant to avail the LTC for the block year 1992-93 extended upto June, 95 within next six months or any other reasonable period as may deem fit and proper from the date of order without effecting his claim to avail the LTC for the block year 1994-95 in any manner in any form.
- (f) to issue any other order/direction, which may be fit & proper in the circumstances of the case.
- (g) to grant the cost of this application."

3. In the reply filed by the respondents to the M.A. it is stated that the applicant was earlier working in the Ministry of Health and Family Welfare whereafter he joined the National Sample Survey Organisation. However, the Ministry of Health and Family Welfare has not issued him the Last Pay Certificate (LPC)

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because it is alleged that the applicant has to clear some dues of that department. Thereafter, the applicant has joined the Department of Statistics as a Joint Director. It is in regard to this appointment that the prayers as extracted above have been made.

4. We have heard the parties. If the applicant has a grievance that his LPC has not been issued by the Ministry of Health & Family Welfare, he ought to take suitable remedial action in accordance with law, in respect of that decision. The present respondents would be well within their rights to deny payment unless the LPC is produced, for that is a requirement of the relevant rules.

5. However, we are of the view that pending a proper settlement of this issue, the applicant should not be left without any means of income and, accordingly, it is necessary to issue provisional directions to the respondents in this regard. We are of the view that whether the LPC is made available or not, the applicant would at least be entitled to the minimum of the pay scale of Joint Director on which post he is admittedly working under the 2nd respondent. We, therefore, direct the respondents to pay the applicant purely on provisional basis arrears of his pay and allowances from 1.4.1995 from which date the same were stopped and continue paying him his salary and allowances for a further period of six months inclusive of the month of April, 1996.


6. In the meanwhile, it is for the applicant to ensure that the question of his LPC from the Ministry


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of Health & Family Welfare is sorted out and in case the applicant feels that it is necessary to resort to legal action, it is open for him to do so.

7. In the circumstances, we dispose of the O.A. itself at this stage with the above directions.

No costs.


(D. C. Verma)
Member (J)


16.11.91
(N. V. Krishnan)
Acting Chairman

/as/