

Central Administrative Tribunal, Principal Bench

O.A.No.2408/95

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 19th day of March, 1997

Shri R.C.Sachdeva  
s/o Shri Ram Lal  
retired Telephone Operator  
r/o Rohni, Delhi.  
address for service of notices  
C/o Shri Sant Lal, Advocate. ... Applicant  
C-21(B), New Multan Nagar  
Delhi - 110 056.

(By Shri Sant Lal, Advocate)

Vs.

1. The Union of India, through the  
Secretary  
M/o Communications  
Department of Telecommunication  
Sanchar Bhawan  
New Delhi - 110 001.
2. The District Manager  
Telecommunications  
Rohtak(Haryana)-124 001. ... Respondents

(By Shri M.M.Sudan, Advocate)

O R D E R(Oral)

The applicant is aggrieved that he has received payment in some cases and in some he has not been paid at all the pay and allowances for the periods mentioned in the OA, which will be discussed later. Further he submits that payments of certain claims for several allowances were delayed by the respondents even after directions were obtained in an earlier round of litigation in OA No.2309/92 and he is therefore entitled to payment of interest thereon.

2. The respondents on the other hand deny <sup>the</sup> and claim of non-payment of salary and allowances as alleged by the applicant.

3. I have heard the learned counsel on both sides. According to the learned counsel for the applicant, the following matters remain to be settled as regards his pay and allowances:

13

A) House Rent Allowances had been drawn at the rate of Rs.50 per month from 27.8.1989 to July, 1990 which comes to Rs.558/- but actual payment was made only to the extent of Rs.458/-. There was thus a short payment of Rs.100/- on this account. The learned counsel for the applicant points out that according to Annexure R1 to the reply, respondents themselves have stated that HRA has been drawn for only 5 months and not 7 months i.e. January, 1990 to July, 1990, even though it is shown that HRA had been drawn from January, 1990 to July, 1990. No proper explanation has come from the respondents as to <sup>why</sup> this discrepancy. Accordingly, the claim of the applicant for the differential payment of HRA for two months is to be paid by the respondents.

B) The applicant states that he was entitled to duty allowance from October, 1979, for six days of November, 1979 and two days of December, 1979. On this account the respondents paid only Rs.236/- after deducting a sum of Rs.310/- alleging over-payment for the month of October, 1979. The respondents say that over-payment had occurred as the applicant was not entitled to any payment for the month of October, 1979 as he was treated to be on extraordinary leave. The learned counsel for the applicant points out that he was on extraordinary leave only for a period of 26 days and was thus entitled to receive his salary only for the remaining 5 days. The payment was also made only for those 5 days. No

82

satisfactory. reply has come on this account also hence the allegation that a sum of Rs.310/- has been wrongly deducted from his salary paid to him on 7.4.1995 appears to be ~~wrong~~ <sup>well founded</sup> (15) 12

C) The applicant submits that he is being wrongly asked to return TA Advance taken by him amounting to Rs.1300/- along with penal interest of Rs.108. His case is that there ~~was some~~ <sup>de</sup> delay in submitting ~~account~~ <sup>TA Bill</sup> of Rs.1605/-, in which the TA advance of Rs.1300/- has already been adjusted. The respondents on the other hand submitted that no such adjustment has taken place. The learned counsel for the applicant explains that the TA bill was delayed for valid reasons and the explanation for that has already been furnished along with TA Bill. The respondents however had so far not taken any decision thereon and for that reason, the advance payment has not been finally adjusted. Pending such adjustment, according to the learned counsel, there was no question of recovery of TA advance along with penal interest. On this point, the applicant has a ~~weak~~ <sup>au</sup> case. It is admitted position that the applicant had not submitted his TA Bill in time. It is discretionary for the respondents to consider the reason advanced and to accept ~~further~~ it or reject ~~it~~. What is required is that they should take an early decision. If they decide not to accept the reasons, the applicant would be liable to pay the penal interest thereon. The amount would be adjusted by the respondents in the TA Bill or by a separate recovery.

D) The applicant has also claimed payment of interest on certain payments made by the respondents in para 4.8 of the OA. which were made much after the time prescribed by the

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Tribunal in OA No.2309/92 dated 16.11.1993. No satisfactory explanation for delay in payment after the judgment of this Tribunal has been given by the respondents.

15

4. Having considered the arguments of the learned counsel on both sides, I dispose of this OA with the following directions:

a) The respondents will pay the difference of Rs.100 for the HRA for two months for the period from January, 1990 to July, 1990.

b) The respondent will also pay to the applicant the sum of Rs.310/- which was wrongly deducted on the plea of over-payment for October, 1979.

c) The respondents will decide within a period of two months the TA claim and in case they accept the reasons given by the applicant for delay in submission of the TA Bill they will not charge the penal interest. Otherwise the applicant will be liable to pay the penal interest.

d) The respondents will also pay 12% interest on the late payments in para 4.8 of the OA; namely, from the last date prescribed in OA No.2309/92 to the date of actual payment.

5. The above directions should be complied within three months from the date of receipt of a copy of this order. OA is disposed of accordingly. No costs.

*R.K. Ahooja*  
(R.K. AHOOJA)  
MEMBER(A)

/rao/