

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A. No. 1994/97

Decided on 24.9. 1998

Shri S.D. Tiwari
(Applicant in Person)

Applicant

Vs.

Govt. of NCT of Delhi


Respondents

(By Advocate: Shri S.K. Gupta)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal? Yes


(S.R. ADIGE)
Vice Chairman (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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O.A. No. 1994 of 1997

New Delhi, dated this the 24th September, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Shri S.D. Tiwari,
Food & Supplies Officer (Retd.),
S/o late Shri K. Tiwari,
R/o CA/27-C, Shalimar Bagh,
Delhi-11052. Applicant

(Applicant in person)

Versus

1. Commissioner,
Food Supplies & Consumer Affairs,
Govt. of NCT, Delhi, K Block,
Vikas Bhawan, New Delhi-110001.
2. The Chief Secretary,
Govt. of NCT of Delhi,
5, Sham Nath Marg, Delhi.
3. The Lt. Governor of Delhi,
Raj Bhawan, Delhi. Respondents

(By Advocate: Shri S.K. Gupta)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant prays for arrears of salary consequent to stepping up of his pay w.e.f 1.10.86, together with interest thereon, along with interest on delayed payment of retiral dues.

2. Applicant retired on superannuation on 30.6.96. He himself admits that he submitted his pension and related papers only on 13.5.96, that is barely 1 1/2 months prior to his retirement, and even then it was not fully complete in as much as applicant submitted his military pension certificate only on 17.10.96 vide respondents' reply to para 4(b) of the O.A., which date has not been denied in rejoinder, and in view of

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applicant's own delay in submitting his pension and related papers well in time, it cannot be said that there has been any undue delay in sanctioning him his arrears of salary, commuted value of pension; CGEIS and GPF to justify claim for interest on retiral dues.

3. In so far as arrears of salary consequent to stepping of pay w.e.f. 1.10.86 is concerned, respondent No.1 (Food Dept., Govt. of NCT, Delhi) have filed an additional affidavit which was handed over across the bar during hearing on 17.8.98 in which it has been stated that when applicant was allowed stepping up of pay he was posted in Dte. of Education, Govt. of NCT, Delhi which had allowed the stepping, but till date Food Dept. had not received the Due & Drawn Statement from Dte. of Education before his transfer to Food Dept. It is further submitted that pay arrears can be drawn by respondent No.1 only on the basis of the Due & Drawn Statement verified by the Drawing and Disbursing Officer where the officer concerned was working previously. It is stated that the stepping up case was processed and finalised by Education Dept. and the Due & Drawn statement has to be verified by the DDO and sent to Food Dept. for drawing arrears. In the absence of receipt of Drawn Statement from Education Dept. till date the arrears could not

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be paid. In this connection it is also stated that Education Dept., NCT of Delhi have not been impleaded as a party.

4. I have heard both sides, and considered the contents of respondents' additional affidavit dated 17.8.98 carefully. From the statement at Page 4 of the O.A., it would appear that the arrears of stepping of applicant's pay w.e.f. 1.10.86 were sanctioned vide order dated 11.7.94, which is also borne out by Dte. of Education, NCT of Delhi's order of even date enclosed with the additional affidavit dated 17.7.98. Applicant therefore became entitled to these arrears soon after these orders dated 11.7.94 and it would be neither fair nor just to deny him the interest for the non-payment of these arrears till date, for no fault of his own and merely because the due and drawn statement was not sent by Dte. of Education to Food Dept. both of which happen to be departments of NCT of Delhi under the Chief Secretary and L.G., Delhi who are impleaded as respondentss 2 and 3 in this O.A.

5. In the result this O.A. is disposed of with a direction to respondent No.2 to ensure payment of arrears consequent to stepping up of ~~of~~ applicant's pay within three months from the date

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of receipt of a copy of this order, together with interest for unjustifiable delay in payment, at the rate of 12% p.a. from the date the payment became due till the actual date of payment. No costs.

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

/GK/