

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1404/2000

109

T.A.No.

(15)

DATE OF DECISION. 25-5-2001

Sh.S.J.Ravi Verma

....Petitioner

Sh.S.M.Garg

....Advocate for the
Petitioner(s)

VERSUS

UOI through the Development
Commissioner for Handlooms.

....Respondent

....Advocate for the
Respondents.

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The Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

The Hon'ble Shri Govindan S.Tampi, Member (A)

1. To be referred to the Reporter or not Yes
2. Whether it needs to be circulated to other
Benches of the Tribunal? No.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1404/2000

(16)

New Delhi this the 25th day of May, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri Govindan S.Tampi, Member(A)

Shri S.J.Ravi Verma,
Art-Designer in Weavers'
Service Centre, Ministry of
Textile at Barari, Bhagalpur,
Bihar.

...Applicant
(By Advocate Shri S.M.Garg)

VERSUS

Union of India, through the
Development Commissioner for
Handlooms, Ministry of Textiles,
Udyog Bhawan, New Delhi.

...Respondent
(By Advocate Sh.N.S.Mehta, Learned
Senior Counsel)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J))

In this application, the applicant has prayed for certain directions to the respondents, namely, (i) to revise his pay w.e.f. 1.11.1986, and (ii) to release annual increments for the years subsequent to the year 1987 and (iii) also grant increments for the period from 16.8.1984 to 17.9.1985 with interest at the rate of 18 % per annum.

2. We have heard Shri S.M.Garg, learned counsel for the applicant and Shri N.S.Mehta, learned senior counsel for the respondents and perused the documents on record.

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3. With regard to the claim of the applicant for increment for the period from 16.8.1984 to 17.9.1985 when he was absent from duty, which period has been declared as dies non, nothing more need to be said ^{than 18-} noting the fact that this prayer has already been dealt with and rejected by the Co-ordinate Bench of this Tribunal by in its order dated 12.9.1994 in OA 586/1994. It has been noted in that order, inter alia, that the applicant has been given increment, as permissible under the law from 18.9.1985 after taking into account the fact that he remained out of service from 16.8.1984 to 17.9.1985. In the facts and circumstances of the case, the claim of the applicant for increment for this period is barred by the principles of res judicata and is accordingly rejected.

(P)

4. During the course of hearing, Shri S.M.Garg, learned counsel on instructions from the applicant who is present in Court and identified by him, had initially made a very categorical submission that the applicant was never informed about the fact that he had not been declared successful by the DPC for crossing the Efficiency Bar (EB) on the due date i.e. 1.2.1988. However, Shri N.S.Mehta, learned counsel has shown us the relevant records stating that this was not so. These records were also shown in the Court to the learned counsel for the applicant, who in turn, after consultation with the applicant has withdrawn this averment. From the record that

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was produced by the respondents, we note that Memo dated 2.1.1989 had been issued and received by the applicant on the same date, which is now admitted before us. It is noted from the counter affidavit filed by the respondents that on recommendations of the subsequent DPC held on 29/30.11.1999 the applicant was declared as successful for crossing the EB from 1.2.1993. They have also submitted that accordingly his pay with increments after crossing the EB have been duly calculated and orders issued to him on the basis of the re-fixation of pay as per the details given in page 4 of their reply. The contention of the applicant's counsel is that he should have been given ^{the p} increments from 1987 to 1.2.1993. We are unable to agree with the contention of the applicant's counsel, as it is evident from the documents on record that he had crossed the EB only w.e.f. 1.2.1993 and has been granted increments in accordance with the relevant provisions of the law and Rules. Therefore, the claim of the applicant for being granted increments from 1987 and that too with interest fails and is rejected.

(P)

5. Another submission was made by the learned counsel for the applicant, on the vehement instructions of the applicant, in Court today that in spite of the averments made by the respondents in their counter reply which has been filed on 18.12.2000, the due amounts of revised pay with increments as calculated by them have not been

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received by him till date. The respondents have stated in their reply that since the applicant is posted at Weavers Service Centre, Bhagalpur, Bihar, necessary orders have been issued to the concerned authorities on 7.12.1999 and they have therefore, presumed that the payments have been received by the applicant as per the revised pay and increments indicated in the reply. This is a question of fact. If as stated by the applicant, he has not received the due payments even now in spite of the fact that necessary orders have been issued from the Headquarters Office at Delhi on 7.12.1999 to the concerned authorities at W.S.C, Bhagalpur, Bihar, we find that there has been considerable delay in the matter of payment. We have also been informed that the applicant has since been posted to the Delhi Office from 23.3.2001.

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6. In view of the relevant facts and submissions made above, we direct the Development Commissioner (Handlooms), Ministry of Textile, Udyog Bhawan, New Delhi to verify the above facts from his office at Bhagalpur, Bihar, whether the aforesaid payments have been made to the applicant or not. If the payments have not been made to him so far, the same shall be arranged to be paid to the applicant within a period of 15 days from today with interest at the rate of 10% p.a.¹⁸. In the facts and circumstances of the case, the interest shall accrue from 1.1.2000 till the date of actual payment. We find no merit in the other claims.

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7. However, in case the applicant has already received the above payments, as due to him from the office at Bhagalpur, Bihar, we further direct that the applicant shall pay an amount of Rs. 1000/- (Rupees One thousand only) as costs to the respondents.

8. O.A. is disposed of in terms of the Paragraphs 6 and 7 above.

(Govindan S. Tampli)

Member (A)

(Smt. Lakshmi Swaminathan)

Vice Chairman (J)

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