

Central Administrative Tribunal  
Principal Bench

O.A. 2652/2000

New Delhi, this the day of 8th November, 2001.

Hon'ble Shri S.R.Adige, Vice-Chairman(A)  
Hon'ble Dr.A Vedavalli, Member(J)

Shri Tara Dutt Joshi S/o Shri B.D.Joshi  
R/o Qr. No.1, GBSSS No.1,  
B Block, Janakpur,  
New Delhi.  
(By advocate: Shri V.K.Garg)

...Applicant

Versus

1. Government of NCT Delhi  
through Director Education,  
Old Secretariate,  
Delhi.
2. Shri M.S.Rawat,  
Shaheed Bhai Bal Mukund  
Government Sarvodaya Vidalaya  
Shankaracharya Marg,  
Delhi.  
(By advocate:Shri Georage Paracken)

...Respondents.

By Shri S.R.Adige, Vice-Chairman(A)

Applicant seeks a direction to respondents to pay him forthwith arrears of salary since Sept.2000 till date and to continue to pay him his salary on month to month basis in future as per the rules. He also claims sums as compensation by way of exemplary damages on account of alleged harassment and consequent violation of his fundamental rights.

2. We have heard learned counsel for the applicant, Shri V.K.Garg and learned counsel for the respondents, Shri Georage Paracken.

3. Admitedly, applicant was appointed to the post of Bus Cleaner in the pay scale of Rs.750-940 vide order dated 23.4.1992 (Annexure A-I) and he was working as such

since then.

4. He alleges that alongwith the payment of allowances admissible to him, he was also entitled to seek allowances for uniform, stitching charges etc, which was denied to him on 7.9.2000. He states that when he made complaint to the authorities that he had not granted these facilities, his pay and allowances were arbitrarily and illegally withheld and when he made complaint to the authorities, he was issued order dated 3.10.2000 asking him to report to the Joint Director, (Administration) Establishment Branch for duty. He states that he accordingly submitted his joining report at his place of transfer on 3.10.2000 itself, but, respondents did not release his salary w.e.f. Sept.2000, which was illegal and arbitrary.

5. Applicant filed this OA on 18.12.2000 and by interim order dated 19.12.2000, respondents were directed to pay him arrears of salary since September, 2000, forthwith.

6. The defence taken by the respondents in their reply to the OA is that pursuant to the Hon'ble Supreme Court's order regarding no-operation of Commercial Vehicles older than 8 years, applicant's services could not be utilised and his name had to be taken off the rolls and his services had to be adjusted elsewhere. Accordingly by order dated 1.9.2000 (Annexure-I to RA), applicant was

relieved from S.B.B.M., Govt. Sarvodaya Vidyalaya, Shankaracharya Marg, Delhi-54 to join Sarvodaya Vidyalaya, Nehru Vihar, Delhi.

7. It is not denied the applicant was released his salary alongwith arrears, pursuant to the Tribunal's order dated 19.12.2000 only in April, 2001.

8. We are informed that applicant has now been adjusted in the Secretariat as Class IV employee in diverted capacity in the same scale of pay as he was drawing as bus cleaner, and he has been receiving his salary on month to month basis. Hence his main grievance stands redressed.

9. Applicant has also contended that he has not been paid his allowance of uniform for the year 1999. In this connection we ~~were~~ shown a copy of letter dated 14.9.2001 from the Director of Education addressed to Sarvodaya Vidyalaya, Nehru Vihar in which it is stated that the same is yet to be paid to applicant.

10. On perusal of Para 8 of the reliefs claimed by the applicant, we note that this claim for allowance for uniform etc for the earlier period has not been specifically mentioned therein, and therefore, we direct that in the event applicant makes a self-contained representation to respondents in regard to these allowances, or any other claims relating to his period of service as Bus Cleaner within four weeks from today,

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respondents should dispose of the same by means of a detailed, speaking and reasoned order within two months from the date of receipt of a copy of the representation.

11. Applicant has also claimed damages on account of alleged harassment and consequent violation of his fundamental rights. In this connection, applicant's counsel has relied upon certain rulings on the subject. We note that even if, in pursuant to Hon'ble Supreme Court's order regarding non-operation of Commercial Vehicles older than 8 years, the school bus had become non-operative resulting in applicant being rendered redundant, respondents should not have delayed releasing applicant's salary for the period from September, 2000 onwards, compelling him to come to the Tribunal. Furthermore despite the Tribunal's interim order dated 19.12.2000 to release applicant his arrears of salary forthwith, the same was released only as late as April, 2001, as a result of which applicant was denied his salary for a period nearly seven months. Such a long delay in our opinion was not unavoidable and we therefore direct respondents to pay applicant costs quantified at Rs.1000/-.

12. The OA is disposed of accordingly. No costs.

A.Vedavalli  
(Dr.A.Vedavalli)  
M(J)

/kd/

S.R.Adige  
(S.R.Adige)  
V.C.(A)