

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MP-1601/90

PRINCIPAL BENCH: NEW DELHI

MP-1769/90

MP-2837/90

CCP-96/90

OA NO.1522/89

DATE OF DECISION: 11.2.1991.

SHRI B.B. CHATURVEDI

...APPLICANT

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT

APPLICANT IN PERSON

FOR THE RESPONDENTS

SHRI K.C. MITTAL, COUNSEL &
SHRI R.P. AGNIHOTRI, ASSTT.,
C.O.D., AGRA.

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE

MR. I.K. RASGOTRA, MEMBER (A))

We have heard the applicant in person and the representative of the respondents, Shri R.P. Agnihotri.

2. The relief sought by the applicant is that respondents be directed to release all the payment due to him for the period from 30.4.1989 onwards, together with interest.

3. Pleadings in this case are complete and we feel ^{that} /this application could be disposed of at the admission stage itself and we proceed to do so.

4. The admitted factual position is that the applicant acted as a Defence Assistant in a disciplinary case for which the respondents had given him the requisite permission. The applicant remained at Bhatinda on temporary duty from 17th August,

1988 to 12th January, 1989. The enquiry was not held day by day and there were breaks in between. The intervening dates of hearing were 130 days in the aggregate.

5. The representative of the respondents stated that except for the period of 130 days for which he remained at Bhatinda which was treated as duty, the pay bill for the remaining period from 30.4.1989 to 30.11.1989 have been prepared and that the respondents will make good the payment to the applicant by Demand Draft. The Demand Draft may be deposited in the Bank Account of the applicant maintained in C.O.D., Agra within a period of one month from today's date.

6. The respondents have stated in their counter affidavit that the period of 130 days during which the applicant remained at Bhatinda had been treated as unauthorised absence from duty at the instance of A.D., Bhatinda and they have initiated disciplinary action against the applicant. It is in view of this that the pay and allowances of the applicant for the period of 130 days have been withheld by them. We are told that the enquiry has not yet been completed. The applicant stated that he has not challenged the validity of the enquiry as the enquiry has not been completed.

7. We do not express any views as to the correctness of the action taken by the respondents against the applicant in regard to his stay at Bhatinda for 130 days or of the disciplinary proceedings initiated against the applicant.

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8. The applicant submitted that he is entitled to 10 times of the amount due to him in view of the provisions of Section 15 (3) of Payment of Wages Act, 1936. He has not, however, moved the competent authority under the Payment of Wages Act to enforce his claims. In our view, the applicant is not entitled to the amount claimed by him towards compensation for delayed payment of the pay and allowances.

9. The application is accordingly disposed of at the admission stage itself with the direction to the respondents to release the pay and allowances of the applicant for the period from 30.4.1989 to 30.11.1989 within a period of one month from today, by Demand Draft, to be credited in the Bank Account of the applicant maintained in C.O.D., Agra.

9. The application is disposed of accordingly. The CCP and the MPs filed by him are also disposed of. The applicant shall be allowed by the respondents to enter the C.O.D. area where the Bank is located to collect the cash, cheque etc. A copy of this order be given to both the parties, immediately.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER (A) 11/2/91
11.2.91.

P.K. Kartha
(P.K. KARTHA)
VICE CHAIRMAN
11.2.91.