

In the Central Administrative Tribunal
Principal Bench: New Delhi

(12)

OA No.1506/88

Date of decision:15.02.1993.

Shri O.P. Panchal

...Petitioner

Versus

Union of India through the
Secretary, Ministry of Health,
Nirman Bhawan, New Delhi & Another

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member(A)

For the petitioner

Shri Bankey Behari, Counsel.

For the respondents

Shri P.P. Khurana, Counsel.

Judgement(Oral)


The case of the petitioner is that he was working as Boiler Attendant in Dr. Ram Manohar Lohia Hospital. He was relieved from his services vide Office Order dated 27.12.1984 w.e.f. 31.12.1984. He was also paid his salary and wages upto that date. He is, however, aggrieved of the order dated 29.2.1988 stating that the salary for the month of December, 1984 is recoverable from him, as he worked for one month beyond the date of his superannuation.

2. I have heard the learned counsel for both the parties and considered the material on record carefully. The petitioner was working as Boiler Attendant and apparently the Boiler could not be left unattended. This seems to be reasonable inference from the letter of Medical Superintendent of Dr. Ram Manohar Lohia Hospital dated 27.12.1984, who relieved him only w.e.f. 31.12.1984 even though the petitioner was due to retire from service on completion of 58

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years on 30.11.1984. Admittedly, therefore, the petitioner worked for the month of December, 1984 as per the directions of the respondents. There is no dispute about this fact since he worked, he has to be paid for the period. In the facts and circumstances of the case I direct that the respondents shall make payment of salary and allowances for one month, i.e., December, 1984 which has been recovered from the petitioner from his D.C.R.G. as early as possible and preferably within three months from the date of communication of this order. The period of one month the petitioner worked after completing 58 years may be treated as extended period of duty. No costs.


(I.K. Rasgotra)
Member (A)

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