

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 728/90

New Delhi, dated the 26th July, 1994

CORAM

Hon'ble Sh.S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Smt. Kamla Mehan,
B-136/1, East of Kailash,
(DDA Flats) New Delhi-65

... Applicant

(None for the applicant)

Versus

1. Chief Secretary, Delhi Admn.,
Old Sectt.. Civil Lines, Delhi.
2. The Director, Dept. of Education,
Old Sectt., Civil Lines, Delhi
3. The Dy. Director of Education,
(South District) Defence Colony,
New Delhi
4. Vice Principal, Govt. Girls,
Secondary School, Bhogal, Jangpura,
New Delhi.
5. Accounts Officer, GP Fund,
Old Sectt., Delhi Admn. Delhi

... Respondents

(By Advocate MS Rashmi Chhabra proxy
counsel for Mrs Avnish Ahlawat)

JUDGMENT (ORAL)

(Hon'ble Sh.S.R. Adige, Member (A))

In this application, Smt. Kamla Mehan, Trained Graduate Teacher has prayed for payment of salary for the month of October, 1988, after deducting the amount equivalent to the pension paid to her from the said month, and also to pay her the correct amount standing in her GP Fund Account.

2. This is a very old case, and was listed at sl.No.8 in the list of 10 cases for peremptory final hearing. It has been coming on the cause list since 6.7.94. None appeared for the applicant, although we waited till 2.45 P.M. MS Rashmi Chhabra appeared for the respondents. We therefore, thought it fit to dispose it of on the basis of the materials on records and the submission made by the respondents counsel.

3. Shortly stated, the applicant was to superannuate upon attaining the age of 60 years on 30.09.1988, her date of birth being 1.10.1928 but due to the respondents inadvertence she was allowed to continue in office beyond that date. According to the counter affidavit she continued to work upto 19.10.88 on which date the error having been discovered, office order No.835 dated 19.10.88 issued, stating that the applicants date of retirement would read as 30.9.88 instead of 30.10.1988 (Ann.R.1)

4. The applicant however, claims that she and worked till 30.10.88/has annexed a copy of the letter dated 24.11.1989 (Ann.P.III) to her O.A. in which the Vice Principal of the school where she worked has stated that she worked upto 31.10.1988.

5. There are a catena of judgments in support of the proposition that Govt. employees are entitled to wages for the period of service put in, and under the circumstances, we are of the view that the applicant is entitled to the salary for the period

she actually worked beyond 30.9.88. *Respondents counsel state at the bar that all the other dues of the applicant have been paid and we have no reasons to doubt the statement.*

6. This application is accordingly disposed of with a direction to the respondents to verify the period the applicant actually worked beyond 30.9.88 and thereafter to pay her the salary for the period she actually worked, after deducting the pension ~~due~~^{due} already paid to her for that period. These directions should be implemented within a period of one month from the date of receipt of a copy of this order. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member (Judicial)

S.R. Adige
(S.R. Adige)

Member (A)

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