

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI.

DA.No.778/91

BCW
Date of Decision: 24.01.1992.

Shri R. Muthuraman ... Applicant
- - - - - ... Applicant in person.
Vs.
Delhi Administration ... Respondents
Shri Dinesh Kumar ... Counsel for the respondents.

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, Member(Admn.)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *M*

JUDGEMENT

(of the Bench delivered by
Hon'ble Member Shri B.N. Dhoundiyal)

This DA has been filed by Shri R. Muthuraman, a Stenographer Grade-III in the office of the Presiding Officer, Industrial Tribunals and Labour Courts, Delhi Administration, seeking interest for late payment of arrears of increments to him.

2. After qualifying the Stenographer's Examination of 1977 conducted by the Staff Selection Commission, the applicant joined the Delhi Administration on 29.04.1978. Increments falling due in the month of April during the years 1979, 1980, 1981 and 1982 were not paid to him till April 1982. Other Stenographers who were recruited through the same 1977 examination were given the benefit of FR 26(a)

Bn

(AS)

and given their increments on time. The applicant prays that respondents be directed to pay 12% interest on the amounts due, during the years 1979-1982 towards increments.

3. The respondents have contended that though the first annual increment fell due on 01.04.1979, he could not get it as he had not fulfilled the condition laid down in para 3(i) of the letter of appointment which read as under:-

"that they shall have to pass Stenography test of 100 words per minute during their probation period during which time two opportunities would be given to them. In case, they fail, probation would be extended and one more opportunity would be given to them to qualify the Stenography Test at 100 words per minute. If they fail to qualify even in this test, their services would be terminated."

4. Thus the services of the applicant were liable to be terminated unless he was exempted from the operation of the said condition by the service Department. The exemption was granted by the Services Department on 23.12.1981 and subsequently his annual increments were released to him. The arrears of the same have already been paid to him finally in August 1986. No arrears are pending now.

5. We have gone through the records of the case and heard the applicant in person and the learned counsel for the respondents. The condition of passing the Stenography test at the speed of 100 words per minute was applicable to all stenographers and services of those not fulfilling the said conditions liable to be terminated. The delay in the grant of increments is mainly due to the
DW

(S) 6

applicant's not passing the requisite test. He has not alleged that his batchmates were given increments even if they had failed to qualify in the test. There is thus no discrimination. He has not averred that the authorities had acted in a malafide manner or his similarly placed colleagues were given a more favourable treatment. If at all, the authorities have been lenient to him by granting him exemption from the test.

6. We, therefore, hold that there is no merit in the application and dismiss the same.

7. The parties will bear their own costs.

B. N. Dhundiyal
(B.N. DHUNDIYAL) 24/1/92
MEMBER(A)

kam
23011992

arising
24/1/92
(P.K. KARTHA)
VICE CHAIRMAN(J)