

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1152/2004

New Delhi, this the 23rd day of December, 2004

Hon'ble Shri Sarweshwar Jha, Member (A)

Tarsem Lal Verma
S/o Sh. Madan Lal
R/o 7-A, M.S.Flats,
Minto Road, New Delhi - 2.

...Applicant

(In person)

V E R S U S

Govt. of NCT of Delhi through
Secretary, Information and Publicity
Govt. of NCT of Delhi, 5/9 Under Hill Road
Delhi - 110 054.

...Respondent

(By Advocate Mrs. Sumedha Sharma)

O R D E R

The applicant has prayed for directions being given to the respondents to pay him Rs.5052/- on account of his salary etc. for the period that he served in the Govt. of NCT of Delhi, with interest. He has also claimed another amount of Rs.1,000/- and penalty cost of Rs.5,000/- The last two amounts have, however, not been elaborated.

2. The facts as submitted by the applicant reveal that he was initially in the service of the Ministry of Defence from where he had been discharged from service vide notice dated 5-5-93 and where he was reinstated in compliance with the orders of this Tribunal. He has, however, not referred to the details of the said order of the Tribunal nor has he enclosed a copy thereof. He was subsequently appointed to the post of Assistant Information Officer (AIO) with the respondents (GNCTD), for which he had duly applied. He joined against the said post on 27-5-96. He, however, resigned from the service of the respondents and was relieved on 6-9-96 (Annexure A-2). The grievance of the applicant is that he has not been paid salary and other arrears for the said period inspite of a number of visits having

S. M.

been made by him to the said organization. He has imputed malafide against Director, Information and Publicity (DIP), Govt. of NCT of Delhi. Incidentally, the applicant has been reinstated in the service of the Ministry of Defence w.e.f. 10-10-97 vide order dated 3-10-97 of this Tribunal. He had earlier approached this Tribunal on the same subject vide OA No.1228/2002 which was dismissed on 24-4-2003 with the following directions:-

Respondents also submitted that the claim raised by the applicant in the OA pertains to service rendered by him in Govt. of NCT of Delhi and Govt. of NCT of Delhi has not been made a party in the present case. Looking into these aspects, I am of the considered opinion that the OA against Resp. No.1 is not maintainable, since the applicant's claim pertains to the service which he has rendered with Govt. of NCT of Delhi. He could have made a claim against Govt. of NCT of Delhi. Besides that as per Annexure R-II, Govt. of NCT of Delhi had already deposited the amount in the treasury and since they were willing to pay the sum to the applicant and it is applicant who did not go to collect the amount. So applicant has no cause of action against the respondents and the same is hereby dismissed. No costs.

3. It is thus observed that necessary observations had also been made by the Tribunal on the fact of the amount of Rs.5,052/- having been deposited by the Govt. of NCT of Delhi in the Treasury and which the applicant had not collected. Accordingly, the observation of the Tribunal was that there was no cause of action against the respondents and as a result the said OA was dismissed.

4. The respondents in their counter have confirmed that the applicant resigned from their service on 26-8-96 and handed over the charge on 6-9-96. While his resignation was not accepted by the Department and the same was conveyed to him vide Memo dated 24.9.96, the same was not received by the applicant. Amount which was due to the applicant and which was drawn by the respondents was, therefore, deposited in the State Bank of India vide Challan dated 10-12-96 and which the applicant has not collected so far.

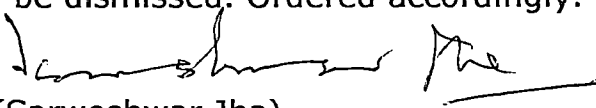
5. The applicant, during the course of arguments, has submitted that it is the responsibility of the respondents to make the payment to him and not to make him visit the Treasury/the Bank to collect the amount. The question as raised by the applicant in his rejoinder as to

3-12



who will pay the amount with 12 % interest on it is not relevant, as the Govt. of NCT of Delhi has already drawn the amount and deposited the same with the Bank. It should have been the endeavor of the applicant to collect the amount from the Bank. In view of the fact that the applicant himself has not received the amount inspite of his having been told to collect the same from Bank, delay in payment cannot be attributed to the respondents. The applicant, as directed earlier, is required to collect the amount of Rs.5,052/- from the Bank.

6. Accordingly, I do not find any justification in the applicant seeking payment of interest on this amount. As this matter has already been discussed and decided in the previous OA, i.e., OA 1228/2002 which was dismissed on 24-4-2003 and that no new fact has been brought up before the Tribunal, this OA has hardly any merit and, therefore, deserves to be dismissed. Ordered accordingly.


(Sarweshwar Jha)
Member (A)

/vikas/