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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1175/2004

Monday, this the 25th day of October 2004

Hon'ble Shri Justice V. S. Aggarwal, Chairman
Hon'ble Shri S. K. Naik, Member (A)

Shri Sunil Dutt (Non-Gazetted)
Son of Shri Laxmi Dutt
R/o A-96, Kidwai Nagar
New Delhi-23

..Applicant

(By Advocate: Shri K.N.Bahuguna)

Versus

1. Union of India through the Secretary
Ministry of Home Affairs
North Block, New Delhi.
2. Chief Controller of Accounts,
Ministry of Home Affairs,
North Block, New Delhi
3. Sr. Accounts Officer
National Security Guard
(Ministry of Home Affairs)
Xi Floor, Paryavaran Bhawan,
CGO Complex, Lodi Road
New Delhi-3

..Respondents

(By Advocate: Shri M.K.Bhardwaj for Shri A.K.Bhardwaj)

ORDER (ORAL)

Justice V.S. Aggarwal:

The applicant is a Lower Division Clerk in the Office of the Chief Controller of Accounts. By virtue of the present application, he is seeking the following reliefs:-

"A) direct the respondents to stop from recovering the alleged arrears of increments from the monthly salary of the applicant and further direct them to grant annual increments to the applicant as the applicant's basic pay is fixed at Rs.3,575/- and no annual increment is being granted to the applicant."



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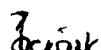
(2)


2. It becomes unnecessary for us to dwell into all the controversies because on behalf of the respondents, it was fairly conceded that the claim of the applicant is under consideration.

3. Once the matter is under consideration of the respondents, necessarily, the first part of the relief that the respondents should stop recovering the alleged arrears of increments from the applicant, should be granted because this can only be done after the matter is decided. As regards the second part of the relief that annual increment should be granted, necessary consequence will flow after the decision of the respondents.

4. Resultantly, we dispose of the present petition with the following directions:

- a) Till the matter is under consideration and is not decided, the respondents are restrained from recovering the alleged arrears of increments from the applicant.
- b) After the matter is decided, the question of grant of annual increment to the applicant shall be considered; and
- c) We make it clear that keeping in view the above said facts, we are restraining ourselves from expressing on the detailed controversy, which would be embarrassing for either party


(S. K. Naik)
Member (A)


(V. S. Aggarwal)
Chairman

/sunil/