

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

O.A. No. 1811/92

Date of Decision : 14.09.1992

Shri M.C. Sharma

...Applicant

vs.

Union of India & Ors.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

... In person

For the Respondents

... Shri H.S. Sharma,
Translator, departmental
representative

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

JUDGEMENT (ORAL)

The respondents were issued notices and were ordered to file the reply, but the reply has not been filed.

Shri H.S. Sharma, Translator appeared as a departmental representative on behalf of the respondents saying that he is directed by the Chief Engineer, North Zone, All India Radio and Doordarshan to file the order dt. 7.9.1992 which has already been issued in favour of the applicant.

This goes to show that the pay of the applicant has been reduced to Rs.2600/- p.m. w.e.f. 31.7.1991 with pay raised

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to Rs. 2675/- p.m. w.e.f. 1.4.1992. In view of this, an amount of Rs.7951/- towards the arrear of pay and D.A. w.e.f. 31.7.1991 to 31.8.1991 is being remitted to Shri K.C. Sharma (applicant) through the Bankers Cheque. The applicant today admitted to have received this amount.

2. The grievance of the applicant has been that his pay has been arbitrarily reduced and without any show cause notice and he prayed for the reliefs that the respondents be directed to pay to the applicant Rs.2600/- p.m. w.e.f. 1.8.1991 to 31.3.1992 and Rs.2675/- w.e.f. 1.4.1992, being the date of increment in the pay scale of Rs.2375-75-3200-EB-100-3500/-. He has, therefore, prayed for the payment of arrears of pay. The applicant has also prayed for the award of interest as this amount has been arbitrarily withheld for about a year.

3. The applicant has filed this application in July, 1992 and the date fixed today is the first date. Before that the payment has already been made to the applicant. The departmental representative informs that since the applicant has been working for about 6 years on

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a deputation post, so inadvertently unaware of the administrative orders, his pay had been reduced. When the matter was got clarified, then the amount has been paid on the basis of clarification received from the ^{nodal} ~~head~~ Ministry, i.e., the Department of Personnel and Training. The applicant, who appeared in person, disputed this fact on the ground that another person has been paid. However, the award of interest can be made when there are administrative lapses on the part of the respondents. In this case, there appears to be some ignorance about the relevant rules and for which a bonafide clarification was sought which has taken sometime.

4. However, the retention of this amount also appears to have not been for a considerable period. The pay has been reduced from Rs.2600/- to Rs.2240/-. The applicant, therefore, was drawing somewhat about Rs.360/- p.m. less and from August, 1992, a sum of Rs.75 was to be added by virtue of the increment earned. However, in the circumstances of the case as the respondents did not contest this application, I do not think it proper to award interest. The

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application is, therefore, disposed of as having
become infructuous by virtue of the relief having been
granted to the applicant much before the date of
first hearing. Costs easy.

J.P. Sharma

(J.P. SHARMA)
MEMBER (J)
14.09.1992