

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

(8)

O.A. NO. 714/92

DECIDED ON : 15.02.1993

Diwakar Chand Chaturvedi

...

Applicant

Vs.

Union of India & Ors.

...

Respondents

CORAM : The Hon'ble Mr. S. P. Mukherji, Vice Chairman  
The Hon'ble Mr. C. J. Roy, Member (J)

Shri G. K. Srivastava, counsel for the Applicant

Ms. Jasvinder Kaur, Proxy Counsel for Shri Jog Singh, Counsel for the Respondent No.1.

Shri B. K. Batra, Counsel for Respondent No.2.

J U D G M E N T (ORAL)

Hon'ble Shri S. P. Mukherji, Vice Chairman :-

The applicant who has been working under the State Government as NDS Instructor from 1976 has claimed arrears of revised pay scales for the period he was working under the Central Government from 1.1.1967 to 30.6.1976 as also from the State Government for the period from 1.7.1976 till 2.2.1990. Learned counsel for the respondents has challenged the admissibility of the application on the ground that the applicant being a State Government employee, the application does not lie. However, he admits that so far as the arrears of pay claimed by the applicant between 1967 and 1976 is concerned, the period being that which was spent under the Central Government, the

...2...

(9)

Central Government will have to pay the arrears through the State Government. This fact is crystal clear from para 6 (i) of the Ministry of Human Resources Development letter dated 19.5.1986 at Annexure A-3 which reads as follows :-

"(i) get the arrears resulting from grant of revised pay scales (as mentioned in paragraph 2 above) calculated upto the date of their absorption in state service, get them verified from accountants General concerned and get the total amount of arrears intimated to this department as to enable the Central government to allocate additional funds to the state governments. This may kindly be got done by 31st July, 1986. While calculating arrears, it may kindly be ensured that payment of arrears of additional dareness allowance sanctioned and paid to them from 1.5.1973 till the date of absorption is also taken into account. It may also be made clear in the order of refixation of pay that any excess payment, if any made erroneously, would be recoverable from them;"

2. In the above light, we <sup>entertain</sup> ~~admit~~ this application in so far as the relief regarding arrears of salary for the period from 1.1.1967 to 30.6.1976 is concerned. So far as the subsequent period is concerned, the matter does not relate to the affairs of the Union of India and, therefore, that relief cannot be entertained by us in this application.

3. When the case was taken up for admission, the learned counsel for both the parties agreed that in so far as the applicant's service under the Union of India is concerned, the arrears of revised pay

22

...3...

relating to that period can be considered by this Tribunal and the application disposed of with proper directions.

4. In the above light, we admit this application in so far as the relief claimed by the applicant relating to his service <sup>under the Central Government</sup> between 1967 and 1976 is concerned and dispose of the same with the direction to respondent No.2 to calculate upto the date of the applicant's absorption in State service the arrears resulting from grant of revised pay scale, as mentioned in para 2 of Annexure A-3 and get them verified from the Accountant General, U.P. and get the total amount of arrears intimated to the Department of Youth Affairs and Sports, Ministry of Human Resources Development within a period of three months from the date of communication of this order. We further direct the respondent No.1 to allocate additional funds to the State Government of U.P. within a period of one month from the date of receipt of verification report from the State Government. The State Government shall disburse the amount forthwith and in no case later than <sup>one</sup> ~~two~~ months from the date of receipt of funds from respondent No.1. We make it clear that this order shall not prejudice the applicant's claim from the State Government in so far as the arrears of pay subsequent to his absorption in the State Government is concerned. No orders as to costs.

( C. J. Roy )  
Member (J)

( S. P. Mukherji )  
Vice Chairman (A)