

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA.No.2681 of 1993

(7)

Dated New Delhi, this the 3rd August, 1994.

Hon'ble Shri B. K. Singh, Member(A)

Mohd. Mujeeb
R/o 2226, Kucha Chalan
Darya Ganj
DELHI-110 006

... Applicant

By Advocate: None
(Applicant in person)

VERSUS

The Government of National
Capital Territory of Delhi
Through,

1. The Chief Secretary
Government of National Capital
Territory of Delhi
5, Syam Nath Marg
DELHI
2. The Director
Dte. of Social Welfare
Government of National Capital
Territory of Delhi
Kasturba Gandhi Marg
NEW DELHI-110001
3. Shri S. K. Batra
Director, Social Welfare
Government of National Capital
Territory of Delhi
Kasturba Gandhi Marg
NEW DELHI-110001

By: Advocate: Shri Surinder Adlakha
(for Respondent No.1&2) ... Respondents

ORDER
(Oral)

Shri B. K. Singh, M(A)

Heard the applicant in person and the
learned counsel for the respondents No.1&2, and
perused the record of the case.

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2. The two notices for unauthorised absence of the applicant have been issued on the same day, i.e. 31.1.94, the period in question cannot be treated as unauthorised in view of Annexure A-1 where a certificate has been granted by the Superintendent CH I for Boys Remand Home, Alipur Delhi that Mohd. Mujeeb, W.O. G.II had availed E.L. with effect from 12.7.93 to 10.8.93 and after availing E.L. for the period mentioned above, he had not availed of any E.L. after 10.8.93 and had regularly attended the office and had discharged his duties, and he recommended for release of salary for the month of August, 1993. There is another certificate (Annexure A-4 p.16 of the paper book) granted to the applicant that he had attended office during the month of October, 1993 and performed his duties regularly and that he had not availed of any E.L. during the month of October, 1993 and as such there is positive recommendation to the effect that his salary for the month of October, 1993 should be released. There is yet another certificate at p.17 (Annexure A-7 of the paper book) which also shows that the applicant

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during the month of November, 1993 regularly with effect from 1.11.93 to 22.11.93 and had not availed of any E.L. and the Deputy Superintendent had certified that his pay for the month of November, 1993 should be released. Annexure A-5 at page-18 of the paper book he was sanctioned medical leave which was adjusted against the commuted leave due to him and this is also on record. On his transfer (as per LPC Annexure A-5 p.18) the applicant has been shown to have received salary upto November, 1993, whereas the applicant alleges that he has not been paid his salary from August, 1993 to November, 1993 although salary has been drawn from the Treasury and deposited in some official or personal account operated by the respondent No.1.

3. From a perusal of various annexures available on record, it is clear that the respondents have not been fair and just to the applicant. The denial of salary smacks of vindictive attitude. A bonafide administration must function with a sense of empathy and feel the problems which an officer will face if his salary is denied to him. The salary should be

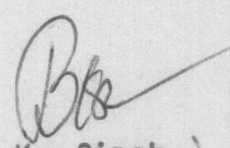
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paid to the applicant due to him for the months August 1993 to November 1993 with ten per cent interest on it within a fortnight from the date of receipt of a certified copy of this order.

4. With these directions, the OA is disposed of finally but without any order as to costs.



(B.K. Singh)
Member (A)

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