

13

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

D.A. No. 645/93

New Delhi this 11th Day of January 1994

HON'BLE J.P. SHARMA, MEMBER (J)

~~MEMBER~~

Shri N.K. Singh,  
S/o Shri Sunder Dev Singh,  
16T Sector IV, DIZ Area,  
Gole Market,  
New Delhi.

... Applicant

(By Advocate Shri D.P. Malhotra)

Vs.

Union of India through

1. The Secretary to the Govt. of India,  
Ministry of Textiles, Udyog Bhawan,  
New Delhi.

2. The Development Commissioner for Handicrafts  
West Block No. VII, R.K. Puram,  
New Delhi.

3. Director, Handicrafts, Northern Region,  
West Block No. VIII, R.K. Puram,  
New Delhi-

4. Assistant Director (A&C),  
Carpet Wearing Training Cum Service Centre,  
81 MIG, PC Colony, Lohia Nagar,  
Patna-20

5. Shri V.K. Srivastava,  
Asstt. Director (A&C)  
Carpet Wearing Training Cum Service Centre,  
46/3 Gokhale Vihar Road,  
Lucknow-1. ... Respondents

(By Advocate Shri P.H. Ramachandani)

ORDER (ORAL)

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

The Registry was ordered for listing of this matter today as a notice has been accepted by the counsel for the respondents on behalf of the respondent Nos. 4 & 5 also. Since both the parties are prepared and pleadings are complete, the case has been heard on merits. The applicant was initially appointed on 10.3.1980 as a Store-cum-Accountant in the Carpet Training Scheme under the Development Commissioner for

Handicrafts, Ministry of Textile. He was transferred from C.W.T.C. Golpokhar to C.W.T.C. Laxamipur Arar and handed over charge of the earlier post in the office of the Deputy Director at Varanasi on 3.4.1989. After that he has been posted to Delhi with the Hon'ble Minister of Textile with effect from 2.7.1990. The applicant has made certain insuiation and allegations against one Shri V.K. Srivastava who was the controlling officer, Assistant Director at the relevant time (A&C) Gaya in Bihar. These as persons need not be proved for thereliefsultimately prayed in this application. The grievance of the applicant is non-payment of certain long standing claims, honorarium of Rs. 1,000/-, non-payment of conveyance bills of the applicant for the period from July to October 1990 and non-grant of annual increments in the pay scale which fell due on 1.3.1988 and also thereafter.

2. A notice was issued to the respondents who filed the reply. In the reply also certain observations have been averred regarding allegations made by the applicant in various paras of the original application. Regarding non-payment of the amount claimed by the applicant it is stated that he has not complied with the procedure prescribed. In the counter it has also been stated that there have been certain complaints against the applicant for non-payment of stipends to trainees and also certain amounts were not explained which allegedly embezzled.

3. Having heard both the counsel at length it appears that the applicat~~ion~~ is vague. The relief claimed are not specific. The Tribunal ~~at present~~ cannot make a roving enquiry to get the intention hidden in the body of the application. However, the learned counsel of the applicant has referred to Annexure XVIII at Page 34 of the application. The applicant has given details of what is the amount due against the respondents. The same is reproduced below:

STATEMENT SHOWING THE ROUGH DETAILS OF PENDING CLAIMS OF THE APPLICANT FOR DUTY PAY, LEAVE SALARY, ANNUAL INCREMENTS, HONORARIUM, HOME TOWN LTC, TRANSFER TA, TA, CONVEYANCE ALLOWANCES AND CONTINGENT EXPENSES.

I. Less payment of Pay and allowances for duty periods:-	Month/Period	Amount Due	Amount Paid	Balance Due
	January, 1990	1447.00	803.00	644.00
	17.6.90 to 30.6.90	750.00	Nil	750.00
II. Leave Salary:-	17.6.87 to 18.6.87	80.00	Nil	80.00
	February, 1989	1127.00	1115.00	12.00
	April, 1989	1167.00	1100.00	67.00
	May, 1989 to July, 1989	3501.00	3334.00	167.00
	September, 1989	1222.00	402.00	820.00
	February, 1990	1447.00	1427.00	20.00
	March, 1990	1500.00	Nil	1500.00
	April, 1990	1500.00	Nil	1500.00
	May, 1990	1500.00	Nil	1500.00
	1.6.90 to 16.6.90	750.00	Nil	750.00
III. Annual Increments not granted which fell due on :-				
(1) 1.3.89 raising pay from Rs.1110/- to Rs.1130/-		1600.00	Nil	1600.00
(2) 1.3.90 raising pay from Rs.1130/- to Rs.1150/-		1300.00	Nil	1300.00
(3) 1.3.91 raising pay from Rs.1150/- to Rs.1175/-		950.00	Nil	950.00
(4) 1.3.92 raising pay from Rs.1175/- to Rs.1200/-		500.00	Nil	500.00
IV. Honorarium for the period from 1.3.91 to 13.3.91		1000.00	Nil	1000.00
V. Travelling Allowance :-				
(1) On transfer from CWTC, Golpokhar, Distt. Muzaffarpur to CWTC, Laxmipur Arar, Distt. Muzaffarpur :-		1300.00	Nil	1300.00
(2) Travelling allowance on Tour :-				
(a) From 4.7.88 to 19.7.88		350.00	Nil	350.00
(b) From 28.7.88 to 6.10.88		210.00	Nil	210.00
(c) From 2.4.89 to 6.4.89		215.00	Nil	215.00

Contd....2/-

51

Home Town LTC from 30.3.92 to 16.4.92

	<u>Amount Due</u>	<u>Amount Paid</u>	<u>Balance Due</u>
	600.00	Nil	600.00

Conveyance allowance due @ Rs.150/-  
per month

<u>From</u>	<u>To</u>		
July, 1990	October, 1990	600.00	Nil
			600.00

Reimbursement of contingent expenses:-

(1) Cost of plastic water jug voucher dated 19.11.1988	21.00	Nil	21.00
(2) Cost of making of official rubber stamps voucher dated 29.11.1988	38.00	Nil	38.00
(3) Cost of stationery articles voucher dated 31.1.1989	17.00	Nil	17.00

GRAND TOTAL : Rs. 16,511.00

(Rupees Sixteen Thousand Five Hundred Eleven Only)

16

4. When the learned counsel for the applicant has been asked whether a specific representation has been made then he referred to a representation made on 18.9.1989 (Annexure XIII) and (Annexure XVI) dated 5.8.1991. Both these representations are not to the point in as much as the specific claim due against the respondent has not been mentioned.

5. The respondents in their reply have not denied the claim of the applicant but it is only stated that the applicant has not filed his claim according to the procedure prescribed. Regarding non grant of increments it is argued that unless the leave period is regularised the same cannot be granted. The respondents have to consider each individual item till paid. There is nothing on record to show that the applicant has been served with any memo for proceeding in a departmental enquiry for any allegations averred in the reply to the application. The learned counsel for the respondents also conceded the facts that no reply has been given to the applicant regarding his claim for various outstanding dues. However, specifically modified this argument by saying that he is not definite as he has not been instructed in that regard by the concerned authority. It is expected that government grants increment on early basis and if the service fall short of year i.e. 12 months on account of his being not on duty for any reason whatsoever and that absence has not been condoned by non grant of leave of any kind then the increment is postponed to the next year. In the reply it is not stated that why the increment has not been released. If the leave for a particular period has not been sanctioned on account of the applicant not having properly applied according to the procedure, the fact however not admitted to the applicant, then this will not

-: 6 :-

be taken as a justifiable reason to disallow increment to the serving employee who is not under any stigma or cloud of any departmental enquiry.

5. Regarding non-payment of honorarium or the Travelling Allowance or the Tour Allowance or Leave Travel Allowance, the respondents have to take decision according to rules and communicate the same well in time on any objections which are a hurdle to sanction the amount.

6. Since the effective decision cannot be given on the basis of the pleadings on the record and the Tribunal cannot enter into roving enquiry regarding non-payment of dues whether actually the amount is outstanding to be paid and whether the claim is justifiable or not, the Original Application, therefore, is disposed of with the active consent of both the counsel in the following manner:

- a) The applicant shall make a detailed representation within one month  
for the claim he has referred to in Annexure 18  
of the original application separately and also furnish alongwith the representation the leave application, the other necessary documents showing the leave due on medical or other grounds. He will also file the necessary details with a separate details for honorarium for the period from 1.3.1991 to 13.3.1991.
- b) He will also file claim for Travelling Allowance alongwith the copies of the bills already submitted for the period mentioned in the application from 4.7.1988 to 19.7.1988, from 28.7.1988 to 6.10.1988 and from 2.4.1989 to 6.4.1989.

c) He will also file the claim for transfer of T.A. annexing a copy of the bill already submitted. He will also file claim for L.T.C. from 30.3.1992 to 16.4.1992 annexing a copy of the claim already submitted on the requisite form with necessary documents showing the manner in which the LTC has been availed of.

d) He will also file claim for Conveyance Allowance from July 1990 to October 1990 at the rate of Rs. 150/- per month annexing the claim already submitted alongwith the relevant rules.

e) He will also submit the reimbursement of certain amount he has spent on contingent expenses alongwith the copy of the vouchers and the copy of the claim already submitted.

7. The respondents are directed to dispose of these claims within a period of three months from the date of the said representation. If the respondents do not dispose of the claims, within the aforesaid period, the applicant shall be at liberty to enforce his claim again and may also pray for penal interest, if so advised.

8. In the event any of the documents are not available with the applicant, he may annex with the claim a certified copy in proof of having submitted all the claims from the persons to whom he has submitted <sup>his claim</sup> and non submission of these documents will not be considered.

9. In the facts and circumstances of the case, the application is disposed of accordingly. No order as to costs.

*J. P. Sharma*  
(J. P. SHARMA)  
Member (J)