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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.828/1993

New Delhi, This the 4th Day of August 1994

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

Hon'ble Shri P.T.Thiruvengadam, Member (A)

Shri Sukhbir Singh Gahlaut
Ex.T.G.T.(G) P.P.O. No.10903
R/O 1/2990 Ram Nagar, Loni Road
Jayaswal Marg, Shahadara, Delhi 32.

...Applicant

By Shri U.S. Choudhary, Advocate

Versus

1. Delhi Administration
through its Chief Secretary
5, Sham Nath Marg,
Delhi.
2. Director of Education
Delhi Administration
Old Secretariate, Delhi.
3. The Principal
Govt Boys Sr. Sec School
Shivaji Park, Delhi -32.

...Respondents

By None

ORDER (Oral)

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

1. The applicant was posted as T.G.T and retired on superannuation on attaining the age of 60 years on 30.10.85. Subsequently, there was a fresh contract and the Lt. Governor, Delhi has sanctioned ex posto re-employment of the applicant at a nominal pay of Rs.1/- (Rupees one only) plus allowances admissible on maximum of pay in the pay scale of Rs.440-750 for the period from 1.12.85 to 30.4.86. Even after the ex-posto sanction by the Lt. Governor of Delhi, the applicant had not been paid the pay for the aforesaid period and the applicant has therefore after making repeated representations filed this application in April 93 praying for the grant of relief that the applicant be paid a sum

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of Rs.7766.75 paise with interest at the rate of 15 per cent besides other emoluments. A notice was issued to the respondents to file their reply. On one occasion Ms Ashoka Jain appeared on 17.8.93. On another occasion Shri O.N. Trisal appeared for the respondents on 13.4.94. He also appeared on 27.4.94 but did not appear thereafter nor any reply to the OA is filed. This goes to show that the respondents are not contesting the application of the applicant.

2. We have heard the learned counsel for the applicant at length and perused the record. In fact the contract of service of the applicant was renewed by his re-employment by the ex-posto sanction given by the Lt Governor of Delhi vide notification F-9/Accts-II/SS/85-86/ dated 28.10.86 (Annexure F). This is also confirmed by the fact that some time in October 90 the Directorate of Education has written to the Principal of the School to arrange for payment of the claim of the applicant on his re-employment at a nominal pay of Rs.1/-. This is at Annexure H of the application. Again a reminder was sent on 31.3.92 by the office of the Deputy Director of Education to the Principal. It is therefore, evidently clear that the claim of the applicant has been admitted by the respondents and that his re-employment has not been denied in any manner whatsoever either by communication to the applicant or by filing a reply to the OA. However, we have not been clear as to what should have been the other allowances for the pay scale of Rs.440-750 we rightly put a query to the learned counsel for the applicant as to how the amount of Rs.7766.75 has been arrived at. But he too could not give any answer to the calculation of the aforesaid amount. Pay for the 5 months comes to Rs.5/- only and the

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allowances have to be calculated on that scale of pay.

3. In view of the above facts and circumstances the application is partly allowed with a direction to the respondents to pay the applicant after due calculation as salary at the rate of Rs.1/- (Rupees one only) for the period from 1.12.85 to 30.4.86 along with the allowances admissible on the maximum of pay in the scale of Rs.440-750^(pre-revised) at the relevant point of time^{and} R.I.P. as admissible from time to time will not be paid during the course of Re-employment. The applicant should also be paid an interest on the above interest at the rate of 10% per annum from one year earlier to the filing of the application i.e. with effect from Jan 1992. No costs.

P. T. Thiruvengadam

(P.T.Thiruvengadam)
Member (A)

LCP

J. P. Sharma

(J P Sharma)
Member (J)