

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA 898/93 .. Date of decision: 22.07.93

Sh. Bansi Lal Joshi & Ors.. Applicants

Versus

Union of India .. Respondents

CORAM

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

Hon'ble Sh. N.K. Verma, Member (A)

For the applicant .. Sh. M.C. Dhingra, Counsel.

For the respondents .. Sh. P.P. Khurana, Counsel.

JUDGEMENT (Oral)

(Delivered by Hon'ble Sh. J.P. Sharma, Member (J)

Sh. Bansi Lal Joshi and Sh. Devendar Kumar who were working in the office of the Senior Quality Assurance Establishment (Electronics), National Stadium, New Delhi, filed this application assailing the grievances of non-payment of salary for the month of March and April 1993 and further that the applicants be allowed to mark their presence in the attendance register. The office of the respondents did not allow them to do so. He has prayed for the grant of salary for the month of March and April, 1993 with the direction to the respondents to allow them to mark their presence in the attendance register and further that the respondents be directed not to declare them as surplus.

A notice was issued to the respondents to file their reply. Sh. P.P. Khurana appeared on behalf of the respondents. He states that the respondents have issued two letters on different dates i.e. 14.06.93 and 05.07.93. In the letter dated 14.06.93, the applicants have been informed that they may take the salary for the month of March and April 1993 and the other letter dated 06.07.93 further informed that they are not marking their presence in the attendance register and also failed to draw their wages.

We have heard the learned counsel for the parties. The learned counsel for the applicant argued that the applicants appears for duty at the usual working hours but the respondents themselves are not allowing them marking of the attendance and in fact in front of the names of the applicants, a cross has been made in advance. This has been disputed by the learned counsel for the respondents. In view of the letter issued by the respondents dated 14.06.93 and 05.07.93, the applicants shall be paid salary for the month of March and April, 1993 and he may be allowed to mark the attendance register provided he reaches the office in time on every working day. They may also be paid salary for which they are entitled for the future period as per rules.

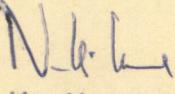
The learned counsel for the applicant also stress that the respondents are likely to declare the applicants as surplus. Since the applicants are permanent employees their case can only be taken under the extant rules provided by the Department of Personnel and Training for declaring surplus staff.

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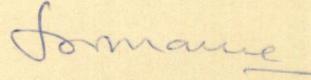
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In view of the aforesaid circumstances, the application is disposed of on the basis of the letters of the respondents filed by the learned counsel for the applicants. The applicants shall be paid salary for the month of March and April 1993 and for the future months they have worked with the respondents and per their entitlement. If the applicants are still aggrieved, they can again seek remedy in the proper forum subject to law/limitation.

  
(N.K. Verma)

Member (A)

  
(J.P. Sharma)

Member (J)