

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 23rd day of January 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O. A. No. 400 of 2001.

Jai Ram s/o Sri Brahmadeen, Ordinance Officers Civilians  
(Store) O.D. Fort, Allahabad r/o 158/70, Madhwapur,  
Allahabad,.....

..... Applicant.

Counsel for applicant : Sri M.K. Sharma.

Versus

1. Union of India through Defence Secretary, Ministry of Defence, New Delhi.
2. Controller of Defence Accounts office of C.D.A. Central Command, Lucknow.
3. Area Accounts Officer, 1, Ashoka Road, Allahabad.
4. Commandant, Ordinance Depot, Fort, Allahabad.

.....

..... Opposite Partie

Counsel for O.Ps. : Sri A. Sthalekar.

ORDER (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for an order to the respondents to pay the arrears of difference of the salary w.e.f. 5.1.89 with 24% interest thereon.

2. The applicant has claimed that he was allowed the fitment scale of Rs.2000-3200 w.e.f. 1.3.1992. The applicant was promoted as Ordinance Officer Civilian (Store) on adhoc basis w.e.f. 5.1.1989 to 31.12.1991. He was allowed the fitment scale of Rs.2000-3200 w.e.f. 1.1.92 vide letter dated 12.5.92 but no action was taken for approval of pay on fitment scale because the approval of adhoc promotion was under consideration. The applicant representation failed to get him any relief. The applicant filed a Original Application No.511 of 1997 which was



disposed of on 7.12.99 with direction to the respondents to expedite the fixation of pay of applicant within three months from the date of communication of the order. The applicant, thereafter, made a representation addressed to Respondent No.2 on 29.1.2000. It appears that the matter remained under correspondence after that and some of the payments have been made for the year 2001 while a number of other payments are yet to be made as the respondents have claimed that they have no budget available for the purpose and approval of Govt. of India was necessary for making payments.

3. We have heard Sri M.K. Sharma for applicant and Sri A. Stha-lekar for the respondents.

4. It is clear from the pleadings on record that the respondents were required to complete the fixation of pay of the applicant in the post of Ordinance Officer (Civilian)(Store) within three months from the date of communication of the order. The order was communicated by letter dated 29.1.2000. The respondents were expected to fix the pay within three months from that day and make payment thereafter. Thus, the respondents have not made payment of Rs.8,230/=, 33,281/= and Rs.61,522/= so far and have delayed the payment of Rs.11,500/= and Rs.66,836/. No fault can be attributed to the applicant for such delay.

5. We, therefore, direct the respondents to make the remaining payment along with interest on the payments not made as well as delayed payment w.e.f. 1.5.2000 till the date the payment is made @ 8% per annum. This order shall be complied within a period of two months from the date of communication of this order to the respondents.

There shall be no order as to costs.

*Rajendra*  
J.M.

*A.M.*  
A.M.

Asthana/