

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/46/2020

HYDERABAD, this the 18th day of March, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



Mr. R. Arjun, CS/1055,
S/o. Ramnath,
Aged about 45 years,
Occ: CS/1055 Consv Safaiwala,
Station Head Quarters, Army,
Secunderabad, R/o. H.No.4-8-90/A,
Sai Nagar, NM Guda, Attapur,
Hyderabad.

...Applicant

(By Advocate : Sri K. Sudhaker Reddy)

Vs.

1. Union of India rep. by its
Vice Chief of Army Staff,
Army Head Quarters,
New Delhi.
2. The Station Commander,
Station Head Quarters Cell,
Secunderabad, PIN- 800 453,
C/o. 56 APO.

... Respondents

(By Advocate: Smt L. Pranathi Reddy, Addl. CGSC)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)



2. The OA is filed aggrieved by non-payment of salary to the applicant w.e.f. 05.04.20019 as per Order dt.05.12.2019 and to consequently direct the respondents to pay arrears of salary w.e.f. 05.04.2019 and to allow him to discharge his duties.

3. Brief facts of the case are that the applicant was appointed as Conservancy Staff in 1996 and was issued a Rule 14 charge memo under CCS (CCA) Rules 1965 in July 2017 resulting in dismissal of the applicant from service vide order dt. 5th April 2019. The dismissal order passed by the 2nd respondent was challenged in OA 441 of 2019, which was allowed on 5th July 2019 on grounds of lack of jurisdiction. However, when the respondents did not reinstate the applicant, once again the applicant filed OA 946 of 2019 and on its disposal in Oct 2019, respondents reinstated the applicant w.e.f. 5.4.2019, vide order dated 5.12.2019. Accordingly, applicant was allowed to join on 5.12.2019 and from 7.12.2019, applicant was asked not to come to office. Aggrieved, the OA is filed.

4. The contentions of the applicant are that the respondents cannot restrain the applicant from discharging his lawful duties. Respondents have not paid the salary for the period 5.4.2019 to 5.12.2019. The action of the respondents is illegal, arbitrary and violative of Article 21 of the Constitution.

5. Respondents *per contra* state that they have considered the representations made by the applicant on 22.07.2019, 21.8.2019 and 13.9.2019 in pursuance of the orders of the Tribunal in July 2019/ October

2019 and decided not to modify the dismissal order. However, as per the orders of the Tribunal in OA 946 of 2019, the applicant was reinstated w.e.f. 5.4.2019 vide order dated 5.12.2019. Later, on 7.12.2019 applicant was dismissed from service. Payment of the applicant's salary for the period from 5.4.2019 to 7.12.2019 is under process and will be paid shortly.



As the applicant was dismissed from service on 7.12.2019, the question of allowing him to discharge duties would not arise.

6. Heard both the counsel and perused the pleadings on record.

7. I. The dispute is about non-payment of salary and not allowing the applicant to attend duty from 7.12.2019. In this regard, we observe that the respondents, in compliance with the orders of the Tribunal in OA 946/2019, have reinstated the applicant w.e.f. 5.4.2019 vide their order dated 5.12.2019. Respondents state that the salary for the period 5.4.2019 to 7.12.2019 is under process in their accounts office. We are in 2021 and not paying salary due even after a lapse of more than one year is not fair nor does it speak well about the respondents organisation in this regard. The applicant is from the lowest rung of the respondents organisation and hence, the respondents are directed to release the salary and allowances due to him, for the period in question, within a period of 8 weeks from date of receipt of this order. If not paid within the stipulated period, interest shall be paid at the rate of 8% for the delayed period commencing from the date due for making payment as per the order of this Tribunal.

II. In regard to not allowing the applicant to discharge his duties, the applicant has been dismissed from service on 7.12.2019 and therefore, he is no more on the rolls of the respondents organisation.

II. With the above direction the OA is disposed of. No order as to

costs.



(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/