

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Registration No. 42 of 1986 (T)

(Civil Appeal No. 51 of 1982)

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Union of India Defendant-Applicant
versus
R.S. Bhargava Plaintiff-Respondent

Hon. Justice S.Zaheer Hasan, V.C.
Hon. A. Johri, Member (A).

Civil Appeal No. 51 of 1982 has been transferred to this Tribunal from the Court of II Addl. Civil Judge, Mathura, under section 29 of the Administrative Tribunals Act, 1985.

The plaintiff filed a suit in the court of Munsif, Mathura, being suit no. 51 of 1980, with the allegations that he was posted as Station Master, Bad, a Central Railway station, and he retired from service on 1.7.1976 on attaining the age of superannuation, that under a Scheme of defendant No.1, i.e., Union of India, Ministry of Railways, 50 % of the additional dearness allowance was compulsorily deducted out of the monthly salary of the plaintiff with effect from 1974, and the said amount of additional D.A. remained in deposit with the defendants for payment to him with interest on his retirement, that after retirement only one-fifth of the aforesaid additional D.A. was paid to the plaintiff, and that he made various representations without any

effect. The plaintiff has confined his claim only to the payment of additional D.A. to the tune of Rs 2,237/-.

The defence is that the plaintiff retired on 1.7.1976 and the balance of C.D.S. amounting to Rs 481/- was passed and paid.

The learned Munsif decreed the suit for Rs 2,866/65 with interest at 6% per annum. Aggrieved by this judgment, the defendants have come up in appeal, which has been transferred to this Tribunal, as stated above.

Since the plaintiff has confined his claim to Rs 2,237/- due to him on account of the balance of additional D.A., we are not dealing with other items mentioned in the plaint.

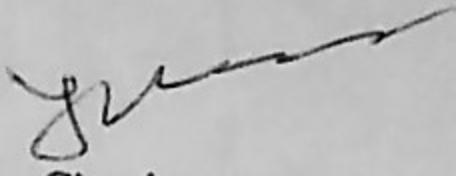
In paragraphs 6 and 7 of the written statement a reference has been made to a letter, No. P/ESS-I/R-122/16/32 dated 23.8.1977.

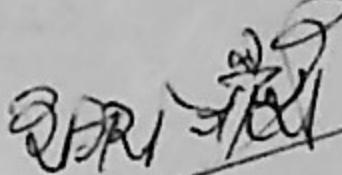
This letter was sent by the Department in connection with the representation made by the plaintiff on 23.7.1977. Against item 6 of this letter it is mentioned that for the amount of additional D.A. to be paid to the plaintiff the requisite form has been submitted to the Accounts Office on 11.1.1977 and the Accounts Officer is being requested to expedite the payment after due scrutiny in his office. The plaintiff retired on 1.7.1976. The learned counsel for the defendants could not throw any light on whether this payment has been made or not, as mentioned in this letter dated 23.8.1977. This letter is not disputed. In case the amount of Rs 2,237/- as additional D.A.

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has not been adjusted and paid to the plaintiff, the same may be done as mentioned in the aforesaid letter dated 23.8.1977, along with interest at the rate of 6% per annum.

The decree of the learned Munsif is modified accordingly and the appeal is disposed in terms as stated above. The payment, if not already made, should be made within four months from today. The parties shall bear their own costs throughout.


Vice Chairman


Member (A)

D/- 14.1.1987

AAK