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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 1414 of 1993

Bhagirathi Prasad : : : : : Applicant

Versus

Union of India and Others : : : : : Respondents

Hon'ble Mr. Maharaj Din, Member (J.)

This application is filed under section 19 of the Administrative Tribunals Act, 1985 seeking the relief to pay the salary of the applicant w.e.f 13.3.91 to 30.11.92. and has further prayed that retiral benefits accordingly also ordered to be paid.

2. The applicant was appointed as Extra-Departmental Branch Post Master on 22.2.1949. According to him his date of birth was wrongly recorded in service record. He filed an application before this Tribunal which was registered as O.A.No. 779 of 1991 and it was disposed of on 17.12.1991 with the direction to the respondents to determine his correct date of birth. The applicant's correct date of birth was however determined after having inquired into the matter as 1.2.28.

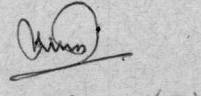
3. The applicant was taken back in the job after decision of the aforesaid O.A. on 28.11.91 and he had worked as Extra Departmental Branch Post Master

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till 31.12.1992. The respondents have paid the salary after the period he was taken back on the job till he worked but, he was not paid salary from 13.3.91 to 30.11.92 since the respondents have paid the salary after the period he was taken back on the job till he worked, therefore, ^{They are in} he was also liable to pay the salary from the date of his first retirement till he was taken back on the job.

4. The respondents in para 18 of his Counter-reply have stated that the applicant has been paid ⁱⁿ his salary of the period ^{for} which he worked after his reinstatement. It is further stated in para 18 of the Counter-reply that the applicant was not paid the salary from 12.3.91 to 28.11.91 but, the applicant has said that he has not been paid salary till 30.11.92.

5. It is clear from the rival contention, that the salary for certain period has not been paid to the applicant. The application of the applicant is therefore partly allowed to the extent ^{check} with the direction that the respondents shall ~~take~~ up the record and shall pay salary of the applicant for unpaid period within a period of three months of date of communication of this order. There will be no order as to costs.


Member (J)

Allahabad, Dated 22nd March, 1994

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