

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 675 OF 1994

TUESDAY, THIS THE 3rd DAY OF DECEMBER, 2002

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Banwari Lal,
s/o Shri Munna Lal,
r/o House No.169, Mohalla
Bukharpura, Purana Shahar,
Bareilly.

.....Applicant

(By Advocate Shri Anil Hajela)

V E R S U S

1. Union of India through the General Manager,
N.E. Railway,
Gorakhpur.
2. Chief Works Manager,
N.E. Railway,
Izatnagar,
Bareilly.
3. Chief Mechanical Engineer,
N.E. Railway ,
Gorakhpur.
4. Chief Personnel Officer,
N.E. Railway,
Gorakhpur.
5. Law Officer,
N.E. Railway,
Gorakhpur.

...Respondents

(By Advocate Shri V.K. Goel)

O R D E R

Hon'ble Mrs. Meera Chhibber, Member (J)

Since this is an old matter pertaining to the

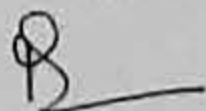


year 1994 I am deciding the matter on merits especially in view of the fact that as per the statement of the respondents counsel, this matter has already become infructuous.

2. The applicant had claimed directions to the respondents to pay to the applicant the arrears of salary to which he would have been entitled if he had been given all promotions from time to time from 1974 to 30-6-1983 and also to pay to the applicant the incentive bonus and interest on late payments of Provident Fund and other payments.

3. The case of respondents was that whatever is due to the applicant has been paid to him vide cheque nos. 018614/930694 dated 6-7-1993 for Rs. 45,889/-, 015530/776464 dated 6-8-1993 for Rs. 6,392/- and 018598/929887 dated 1-12-1992 for Rs. 3279/-. As per various orders passed by the Tribunal in this O.A, for example on 31-07-1998, the applicant's counsel had admitted that an amount worth Rs. 51,000/- has been received by the applicant, while respondents had stated that an amount of Rs. 55,560/- has been paid to the applicant. It was in such circumstances that the Tribunal had directed the respondents to produce some documents to show that payments had actually been made to the applicant. The respondents produced two letters which were taken on record.

4. Learned counsel for the respondents has invited my attention to the order passed by this Tribunal on 12-01-2001 whereby the court had directed the respondents to verify whether the amounts so mentioned against cheques have already been paid to the applicant or not and in case the same were not paid to the applicant, it was stated that the



applicant would be entitled for interest on the said payments.

5. Today when the matter came up, counsel for the respondents shri V.K.Goel has informed me that he has received a letter from the Department dated 5-1-2001 and 03-03-2001 wherein it has been clarified that the amounts have been deposited through these cheques in the account of applicant and these cheques have been sent back along-with debit scroll, in order to facilitate the office of FA & CHU to verify and maintain the records. Since counsel for the respondents has made a categorical statement in the court that the payments have already been made to the applicant and applicant's counsel is not present to rebut the same. The statement made by the respondent's counsel is accepted.

6 In view of the specific statement made by the respondents counsel and the letters written and produced in the Court today. I am of the considered view that nothing more survives in the O.A. The O.A is accordingly dismissed as having become infructuous. No order as to costs. The applicant is however given liberty to approach the authorities by way of making a representation in case he finds that some amounts are still due to him and are not paid.



Member.J

shukla/