

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1200 of 1999.

Tuesday, this the 7th day of December, 2004.

Hon'ble Mr. D.R. Tiwari, A.M.

R.S. Srivastava,
Son of Late Nawab Lal,
aged about 64 years,
R/o 1-B/2K/1,
Rajrooppur,
Allahabad.

Office Address :

Senior Conservation Asstt.
Archaeological Survey of
India, Khusrubagh,
Gateway, Allahabad.

.....Applicant.

(By Advocate : Shri L.C. Srivastava)

Versus

1. Union of India through Secretary,
Ministry of Education (Culture),
New Delhi.

2. Director General,
Archaeological
Survey of India
New Delhi.

3. Superintending Archaeological
Survey of India, Lucknow
Circle Beliaghata Cottage,
Golaganj, Lucknow.

.....Respondents.

(By Advocate : Shri D.K. Dwivedi)

O R D E R

By Hon'ble Mr. D.R. Tiwari, A.M. :

Heard counsel for the parties at length.

2. By this OA filed under section 19 of A.T. Act, 1985,
the applicant has prayed for following relief(s) :-

"i) That the applicant may be given the same benefit
of pay as Conservation Asstt. Grade-I w.e.f.

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the period on which Sri R.C. Mishra has been given excess pay than the applicant, by stepping-up the salary in accordance with the provisions of Rule 22(c) of the Financial Hand Book.

ii) That the respondents may be directed to release the consequential benefits step-up of salary, alongwith arrears within the period as stipulated by this Hon'ble Tribunal alongwith 18% interest thereon. "

Vide para -9 he also prayed for following interim relief(s) :-

" i) the amount of arrears of encashment already sanctioned by order dated 18.9.1995 by Superintending Archaeologist Lucknow circle.

ii) the arrears of gratuity.

iii) the arrears of difference of Pension between 1.7.1992 to till the date of actual payment."

3. During the course of the arguments, he conceded that the case of the applicant is not a ~~step~~ ^{step} up of pay hence he agreed not to press the relief claimed in this OA. So with the consent of the counsel for the parties, I have decided to consider only the question of interim relief. Since the applicant has already filed the OA No.815/88, which was decided by order dated 8.2.1993. The operative portion of the order is as under :-

"Accordingly, the respondents are directed to step up the salary on the applicant to that of Sri S.Konda Reddy and let it be done within a period of one month from the date of receipt of the copy of this order and the applicant may also be paid arrears within this period. The application is disposed of with the above terms. No order as to costs."

In compliance of the order of the Tribunal, the respondents vide their letter dated 18.9.1995 have issued sanction ~~order~~ for the amount due to the applicant, which is at Annexure-A-11.

4. The applicant has made a specific averment vide Para 4.18 of the O.A. that though the order has been issued

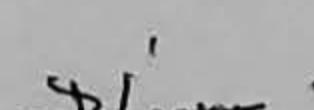
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still the applicant has not received any amount and the learned counsel for the respondents was not able to confirm or deny this fact. Para 13 of the counter affidavit also speaks of the sanctioned of the amount mentioned in Annexure-A-11 of the O.A.

5. In view of the facts mentioned above, the only question, we survive for decision is the payment of the amount already sanctioned. The counsel for the applicant has also submitted that nothing has been paid to the applicant as regards arrears of gratuity and arrears of difference of pension between 1.7.1992 till the date of actual payment. This has been hotly contested by the counsel for the respondents and he stated that as per the order of this Tribunal the respondents have already sanctioned the permissible amount which they are committed to make the payment.

6. Having regard to these facts, the OA is allowed in part and the respondents are directed to make the payment of leave encashment already sanctioned. They are further directed that they may also consider the case of the payment of arrears of gratuity and the difference of pension between 1.7.1992 ^{to} till the date of actual payment. In case it has not been paid earlier to the applicant, They are directed to decide the same in accordance with law. The entire exercise may be completed within a period of two months from the date of issue of the copy of this order. No order as to costs.


Member (A)

RKM/