

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

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NO
Delay in
Payment of
monthly salary

O.A. No. 335 of 1992
T.A. No.

DATE OF DECISION 9-12-1992

Shri B.B. Sakarwala _____ Petitioner

Shri J.J. Yajnik _____ Advocate for the Petitioner(s)

Versus

Union of India and Others _____ Respondent

Shri Akil Kureshi _____ Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan Vice Chairman

The Hon'ble Mr. R.C. Bhatt Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

B.B. Sakarwala,
Upper Division Clerk,
B-10, Mahavir Flats,
Near Sujata Flats,
Shahibaug Ahmedabad.

Applicant.

Advocate : Shri J.J. Yajnik

Versus

1. Union of India
(to be served through the
Secretary, Ministry of Finance,
Government of India),
New Delhi.
2. Shri R. Tiwari,
and/or his successor in office
Joint Chief Controller of Imports and
Exports, Government of India,
New C.G.O Building, Bombay 20. Respondents

Advocate Shri Akil Kureshi

ORAL JUDGEMENT

In

O.A. No. 335 of 1992

Date : 9-12-1992

Per Hon'ble Shri N.V. Krishnan Vice Chairman.

The applicant is working as an Upper Division Clerk under the second respondent, Joint Chief Controller of Imports and Exports, Bombay Government of India.

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He has approached this Tribunal with what appears to be a unique grievance, viz, unlike other employees, he is not paid his salary regularly on the first of the month. He has alleged that the salary for November 1991, December 1991 and January 1992, was paid to him on 25-2-1992. Similarly salary for February, March and April 1992, were paid on 4-5-1992 and so on. Memorandum No. Misc/Cash/1992-93/Admn/726 dated 1-9-1992 has been issued by the second respondent to him stating that the salary for May, June, and July 1992 have been sent to him. This Memo is shown to us for perusal and has also been seen by the learned Counsel for the respondents. It is also stated that pay for October and November has not yet been disbursed.

2. In these circumstance, he has prayed for the issue of a direction to the respondents to pay the salary along with other employees/staff members every month.

3. When the application came before us on 26-8-92 ^{at our request} Shri Akil Kureshi entered appearance for the respondents. We thought we could dispose of this O.A. after hearing the learned Counsel for the respondents. However, as no statement was given by the learned Counsel who stated that despite his best efforts, he could not get the facts from the second respondent, we admitted the application on 11-11-1992 and listed the matter for final hearing today. No reply has been filed by the

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respondents. The learned counsel for the respondents submitted that he has no further instruction in the matter. In these circumstance, as the averments have not been denied and as the applicant has today produced proof of delayed payment of salary for May, June and July, we are satisfied that the applicant has/genuine grievance and it is to be remedied.

4. We therefore, direct the second respondent to ensure that the salary not paid for months up to the end of November 1992 and which have already become over due shall be paid to the applicant within a month from the date of receipt of this order. He is further directed to ensure that the salary for each month hereafter is paid to him on time i.e., on the last working day of the same month or on the first working day of the succeeding month, as the case may be, as is the practice in the office of the second respondents. We also make it clear that in case the salary for the month of December is not paid on or before the 7th January 1993, which itself is a concession the applicant shall be paid interest at the rate of 12% per annum till the date of actual payment. This direction regarding payment of interest shall apply to delayed payments of his salary for the months of January 1993 and thereafter.

5. Application is disposed of with the above directions.
No order as to costs.

Revd

(R.C. Bhatt)

Member (J)

*AS

Chu
9/12/92

(N.V. Krishnan)

Vice Chairman

B.B. Sakarwala,
Upper Division Clerk,
B-10, Mahavir Flats,
Near Sujata Flats,
Shahibaug Ahmedabad.

Applicant.

Advocate Shri J.J. Yajnik

Versus

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(to be served through the
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Joint Chief Controller of Imports and
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New C.G.O Building, Bombay 20. Re

Respondents

Advocate **Shri Akil Kureshi**

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(R.C. Bhatt)

Member (J)

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(N.V.Krishnan)

Vice Chairman