

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.46 of 1989.

Date of decision: 27th November, 1989.

1. Gokulananda Mohanty, aged about 44 years, S/o Haribandhu Mohanty of Samantsahi, P.O. Cuttack-1 Town and Dist. Cuttack at present working as Telegraphman in Cuttack City Telegraph Office, At/P.O. Cuttack-753001, Town/Dist. Cuttack.

..... Applicant

-Versus-

1. Union of India represented through its Secretary to Govt. of India, Ministry of Communication, At-Central Secretariat, P.O. New Delhi-110001.
2. Member (Administration), Western Telegraph Board, At-Telegraph Board Building, Parliament Street, New Delhi-110001.
3. General Manager, Telecommunication, Orissa, At/P.O. Bhubaneswar, Dist. Puri (Orissa)
4. Senior Superintendent of Telegraphs, Traffic Division, At/P.O. Bhubaneswar, Dist. Puri (Orissa).
5. Superintendent in-charge, Cuttack Telegraph Office, At/P.O. Cuttack-1, Town/Dist. Cuttack.

..... Respondents

For the Applicant M/s. R.B. Mohapatra and N. Jujharsingh

For the Respondents. Mr. P.N. Mohapatra, Addl. Standing Counsel (Central)

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1. Whether reporters of local papers may be allowed to see the judgement? Yes
 2. To be referred to the Reporters or not? No
 3. Whether Their Lordships wish to see the fair copy of the Judgement? Yes

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C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN
A N D
THE HON'BLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

:--J U D G E M E N T :--

N.SENGUPTA, MEMBER (J) In this application under Section 19 of the Administra-
-tive Tribunal's Act, 1985, the applicant has prayed for reliefs
of arrear emoluments. The material facts, stated in brief, are
that there was a Departmental Proceeding against the applicant
and that ~~ended~~ against the applicant so he approached the Hon'ble
High Court of Orissa in it's Writ jurisdiction. That Writ
application stood transferred to this Tribunal, which was
registered as T.A.No.248/86 and was disposed of 28.11.86 and this
Tribunal passed orders as follows:-

" We do hereby hold the petitioner to be not guilty
of the charges and he is exonerated therefrom
consequently we would further hold ~~the~~ order of
conviction and the penalty imposed on the petitioner
to be illegal. Those are hereby set aside and it is
further directed that the petitioner is entitled to
all his emoluments with effect from the date on which
the petitioner was dismissed from service".

2. It is alleged that the order of this Tribunal was not
complied with by the Respondents, particularly Respondent No.4
and for that reason petition for initiating ~~complying~~ ^{proceedings} Contempt,
against the Respondents for not complying of the orders of the
Tribunal was filed. Ultimately a sum of Rs.74,786.45 paisa was
paid to him on 14.9.88. But this amount is too short of the

See Encl 4
23.11.88

amount he is entitled to. The Petitioner's case is that even though the payment was made in the year 1988, his emoluments were not calculated in the revised scales of pay ~~in the year~~ from 1.1.86 nor has he been paid the other benefits such as leave salary and Bonus etc. For this non-payment he had made a representation, a copy of which is at Annexure-8 to this Petition. This is dated ^{15.10.88} ~~5.10.88~~ It is stated that as yet no action has been taken on that representation. Making this allegation, in the ~~mean time~~ ^{meantime}, the applicant has prayed for a direction to the Respondents to pay his dues.

amended vide
order dt. 22.12.89.
Mh

3. We have heard Mr. R.B.Mohapatra, learned Counsel for the applicant and Mr. P.N.Mohapatra, learned Addl. Standing Counsel (Central) for the Respondents. On perusal of the papers the position that emerges is that this Tribunal had ordered payment of the applicant's dues within aspecified time i.e. within 4 months from the date of receiving a copy of the judgement delivered on 28.11.86. But the Department not having paid the dues of the applicant, the applicant had to approach this Tribunal for initiation of Contempt Proceeding. In the application for Contempt this Tribunal allowed time to the Respondent No.4 i.e. General Manager to make payment and it was specifically directed that the payment was to be made by 30th June, 1988 vide Annexure-6. It is ascertained that in the mean time the Department has ^{collected} ~~calculated~~ the service books and other papers of the applicant with a view to finalise the dues payable to him. Sri Mohapatra ^{urges} ~~urges~~ for the applicant that there should be ~~direction~~ ^{specificity} for specific items, but in our opinion it is not necessary to ~~accept~~ ^{specify} except indicating that applicant's dues on account of pay and allowances should be calculated at the rates

See
27.11.89.

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recommended by the 4th Pay Commission with effect from 1.1.86 for the period commencing therefrom till re-instatement, and for the anterior period, at the old rate. Since the payment was not made within the time allowed by this Tribunal, interest at the rate of 12% per annum would be payable from 1st July, 1988 till the date of actual payment was made. As regards the balance still not paid, interest will be paid at the rate commencing from that date. With regard to the other claims made by the applicant in the application at Annexure-8, they should be calculated and paid according to rules.

Thus, the application is accordingly disposed of, leaving the parties to bear their own costs.

B.R.PATEL, VICE-CHAIRMAN

I agree



Mea Sup 1/2
27-11-88
.....
MEMBER (JUDICIAL)

Mea Sup 1/2
27-11-88
.....
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
27th November, 1989/Mohapatra