

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 19.11.2001

This matter has been posted to this day for final disposal at the stage of admission. Learned Addl. Standing Counsel Ms.C.Kasturi wanted an adjournment for filing of counter. As in this case in spite of several adjournments counter was not filed, in order dated 5.10.2001 it was directed that the matter would be disposed of even in the absence of counter. In view of this prayer for further time to file counter is rejected and the matter is taken up for consideration. Heard Shri N.R.Routray, learned counsel for the petitioner and ~~Shri~~ Ms.C.Kasturi, learned A.S.C. for the respondents and perused the pleadings.

In this case petitioner has prayed for direction to respondents to pay him differential ~~allowances and~~ salary and allowances on the basis of orders at Annexures-1 and 2, with 12% interest w.e.f. 6.7.1993.

The case of the applicant is that he was working as casual labourer and he was originally brought over to Regular Establishment in the year 1989. Subsequently in order dated 26.4.1989 a direction was issued to put back the date of regularisation of casual labourers in the P.C.R. posts to 1.4.1973 subject to three conditions mentioned in the circular at Annexure-1. Applicant has stated that in pursuance of this, in order dated 6.7.1993 (Annexure-2) his date of regularisation was put back to 1.4.1973. Applicant has stated that even though his regularisation has been put back to 1.4.1973 but he has not been paid the differential salary and allowances from 1.4.1973. In the present applicant his prayer is for direction to respondents to pay him the above mentioned amounts.

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Respondents have filed any counter if the order at Annexure-2 is a genuine document. In case service of the applicant has been regularised w.e.f. 1.4.1973 then he will be entitled to salary and allowances from 1.4.1973. But this involves reference to document w.e.f. 1.7.1973 as before paying the difference, the amounts already received

S. V. M.

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Free copies of final
order dt. 19.11.2001
issued to counsel for
both sides.

DS
21/11/01

Amr
S.O.C.J.

by him will have to be determined. This is a time consuming process. In view of this, I dispose of this O.A. with a direction to respondents that in case order at Annexure-2 is a genuine document and in case the date of regularisation of the applicant has been put back to 1.4.1973, then the differential salary and allowances should be paid to the applicant within a period of six months from the date of receipt of a copy of this order.

As regard the second prayer for payment of interest, the applicant himself has approached the Tribunal in 2000. In this view of the matter I hold that no case for payment of interest has been made out by him.

The O.A. is disposed of as above, but without any order as to costs.

S. Venkatesh
VICE-CHAIRMAN
19.11.2001