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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH,  
JODHPUR

Date of order: 28.6.95.

O.A. No. 21/95.

Y.P.Tandon

... Applicant.

VERSUS

Union of India & Ors. ... Respondents.

Mr. J.K.Kaushik- Counsel for the applicant.  
Mr. Jagdish Vyas- Brief holder for,  
Mr. V.D.Vyas- Counsel for the respondents.

CORAM :

Hon'ble Mr. Gopal Krishna- Vice Chairman.  
Hon'ble Ms Usha Sen- Administrative Member.

PER HON'BLE MR. GOPAL KRISHNA :

  
Applicant Y.P.Tandon has sought a direction to the respondents in this application under Sec.19 of the Administrative Tribunals Act, 1985, to make the payment of salary and allowances for the months of October and November, 1994, and for 12 days in the month of December, 1994 alongwith market rate interest on the due amount.

2. We have heard the learned counsel for the parties and have gone through the records of the case carefully. The parties <sup>have</sup> agreed that the case should be disposed of at the stage of the admission.

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3. The applicant is posted as Permanent Way Inspector Grade-I at Merta Road in the Construction Organisation under the Deputy Chief Engineer (C), Jodhpur Northern Railway. When the applicant did not receive his salary for the months of October and November, 1994, he made a representation dated 14.11.94 for the release of his salary and allowances but the representation evoked no response. The applicant was on leave due to sickness from 22.12.94 to 28.11.94. Thereafter, he had resumed his duties. Since the respondent No.3 was annoyed with the applicant twelve days pay was reduced by him from the salary for the month of December, 1994 without any reason and nothing was done in regard to the payment of salary for the months of October and November, 1994. The contention of the applicant is that he had performed his duty in the months of October and November, 1994, and he was on leave from 22.12.94 to 28.12.94 and as such he is entitled to this monthly salary and with-holding of the same being arbitrary is violative of the provisions contained in Article 14 of the Constitution of India.

4. On the contrary, the respondents have stated that the salaries for the months of October and November, 94, could not be paid to the applicant due to the non receipt of the absentee statement and as soon as the absentee statement was received the applicant was paid all the dues. It is categorically stated that the applicant ~~has already been paid the salary for the months of~~

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October and November, 1994 vide pay sheet No. AB No.CSP 2 dated 2.2.95 and CD 7 No.010305 dated 7.2.95 and the payment was taken by the applicant on 9.2.95. It has also been stated that the applicant was required to work in the office of the Deputy Chief Engineer (C-I), Jodhpur from 20.12.94 but he intentionally did not attend the office and he remained absent from 20.12.94 without any sanction of leave by the competent authority. The applicant was informed on 23.12.94 vide Annexure A/5 to attend the office but he did not care to attend the office at Jodhpur and he remained absent under the pretext of sickness. It is also stated that salary for twelve days of the month of December, 1994 has already been disbursed to the applicant. In the circumstances we are of the opinion that the delay if any in the payment of salary to the applicant cannot be attributed to any arbitrariness on the part of the respondents. The action of the respondents cannot be characterised as malafide.

5. Order: In view of the facts stated above, this application has become infructuous and it is, therefore, dismissed with no order as to costs.

That the application be dismissed.

*Usha Sen* *Gopal Krishna*  
(Usha Sen (P.M. Officer), (P.M. Gopal Krishna )  
Member (Adm.) Chairman Vice, Chairman

M/V/S

P | copy  
on 30th  
1968

Part II and III destroyed  
in my presence on 26/12/1968  
under the supervision of  
Section Officer (Record)  
order dated 14/9/1968

Section Officer (Record)

Send copy  
Raman Krishnan  
(for V.D. Vyas) 20/6/68