

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 145/2003

Date of decision: 26TH March, 2004

CORAM:

Hon'ble Mr. J K Kaushik, Judicial Member

Hon'ble Mr. G R Patwardhan, Administrative Member

S.L. Mathur, S/o Shri Late Manoharlalji Mathur, aged 47 years at present working as Senior Technical Assistant-A Defence Laboratory, Resident of A 109-Shastri Nagar, Jodhpur

.....Applicant

(Rep. By Advocate Mr. Sumeet Mehta, for applicant)



Versus

(1) Union of India Through Secretary (DRDO)/Scientific Advisor to Defence Minister, Ministry of Defence Research and Development Organisation, South Block, Room No. 137/S, New Delhi.

(2) The Director, Defence Laboratory, Jodhpur

.....Respondents.

(Rep. By Advocate Mr. N.M. Lodha, for respondents)

ORDER

BY J K KAUSHIK, JUDICIAL MEMBER:

A very short controversy is involved in this Original Application. The compliant is regarding non-payment of the monthly salary to the applicant and a prayer has been made that his monthly salary be paid to him along with others in future.

2. We have heard the arguments advanced by the learned counsel for both the parties and have carefully perused the

records of this case. The matter being short as well as having urgency, we propose to decide the same at admission stage.

3. The brief facts leading to filing of this Original Application are that the applicant is working on the post of Scientific Assistant since 17.8.90 in the Defence Laboratory Jodhpur. His pay is not being disbursed to him on the due date i.e. last working day of the month. His salary for the month of April 2003 has not been paid to him only for the reason that he has filed this Original Application. He has been subjected to threats that he shall not be paid the salary now and he can resort to the Courts. The details of delayed payments of salary have been narrated in para 3 of the Original Application. The application has been filed on number of grounds mentioned in para 5 and its sub-paras.



4. The respondents have contested the case and have filed a detailed reply to the Original Application. It is averred that the salary for the month of April 2003 has already been paid to the applicant long back and salary for the subsequent period i.e. upto September 2003 has also been paid. The service details of the applicant have been narrated. It has been denied that any threat has been given to the applicant. The salary was given for 2-3 months together and the same was due to delay in getting the sanction. The allegation of violation of Article 14 and 15 of the Constitution are wholly un-sustainable. The applicant should

[Signature]

have first approached to the Grievance Redressal Committee.
The Original Application deserves to be dismissed.

5. A short rejoinder has been filed controverting the facts and grounds raised in the reply and it has been averred that not paying the salary of a person on due date itself means that there is mala fide on the part of the respondents.

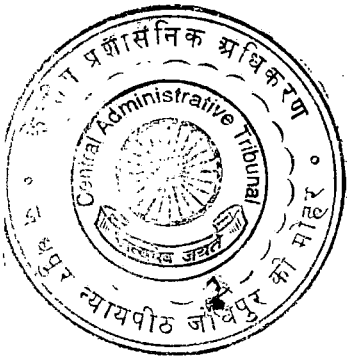
6. Both the learned counsel for the parties have reiterated the facts and grounds raised in their respective pleadings which we have noticed above. As far as material facts of this case, are concerned, there is hardly any dispute. There is no dispute that the applicant has not been paid his salary on the due date i.e. on last day of the month but the same has been paid in a lot i.e. for 2-3 months together. The reason shown for delay in disbursement of the salary is that there is delay in getting the sanction. The learned counsel for the respondents has submitted that there is no doubt that there has been delay in releasing the monthly salary of the applicant in the past but now the position will improve and every care shall be taken to release the payments of the applicant by due date.

7. We have anxiously considered the controversy involved in the instant case. Perhaps this is unique case where an employee had to approach to the Tribunal for release of his monthly salary. We would have taken a ~~very~~ serious view in the matter but for the assurance of the learned counsel for the respondents we



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are inclined to take lenient view. However, we are bound to observe that salaried person has to prepare his monthly budget every month and meet the requirement of the livelihood of his family member and if the salary is not paid in time the financial hardships in the present times of price spiral can hardly be over-emphasised. We hope and trust that respondents shall be quite cautious in future.



8. In the result, we find force in the Original Application. The respondents are directed to make payment of monthly salary in respect of applicant on the last day of every month (except for the month of March for which the salary is to be paid on first April) as far as possible. In case any salary is due for the previous month (s), the same shall be released within a period of one month from the date of receipt of a copy of this order. No costs.


(G.R. Patwardhan)
Administrative Member


(J.K. Kaushik)
Judicial Member

Kumawat

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Part II and III destroyed
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Part I and III destroyed
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