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

**ORIGINAL APPLICATION NO. 315/2002**

Date of decision: 26<sup>TH</sup>, March, 2004

**CORAM:**

**Hon'ble Mr. J K Kaushik, Judicial Member**


**Hon'ble Mr. G R Patwardhan, Administrative Member**

Kushal Singh S/o Shri Om Prakash Ji, aged 42 years, by caste, Bhati, Post Lab. Attendant, Defence Lab., Jodhpur, Resident of Juni Bagar Chowk, Jodhpur.

.....Applicant

(Rep. By Advocate Mr. <sup>P</sup>~~R~~.C. Verma, for applicant)

**Versus**

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- (1) Union of India through The Scientific Advisor to Ministry of Defence & Director General Research & Development Organization, Defence Research & Development Organization (DRDO) Government of India, Ministry of Defence, South Block, Ministry of Defence South Block, New Delhi.
  - (2) The Director, Government of India, Ministry of Defence, Department of defence Research & Development, Defence Lab., Jodhpur.

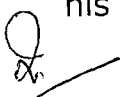
.....Respondents.

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

**ORDER**

**BY J K KAUSHIK, JUDICIAL MEMBER:**

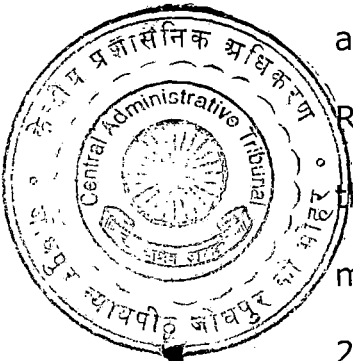
A very short controversy is involved in this Original Application. The compliant is regarding non-payment of the monthly salary to the applicant and a prayer has been made that his monthly salary be paid to by treating him to have been



regularised. An alternative prayer has also been made. Order dated 08.10.2002 (Annexure A/1) has been challenged.

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 Lab. Bearer since 1.4.97 in the Defence Laboratory Jodhpur. Earlier to his appointment on his present post, he was holding the post of Lab. Attendant/Sample Collector in Rajiv Gandhi National Drinking Water Mission on fixed term basis. He was appointed/re-appropriated on the post of TE Lab. Bearer in the pay scale of Rs. 775-1025 at the minimum of basic pay without giving him the benefit of pay protection. He made representations in the matter but of no avail. He has been confirmed, vide order dated 23.06.2000 w.e.f. 01.04.1997, as Lab Bearer. 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 Oct. 2003 has not been paid to him. 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 Feb. 2003 has been paid to the applicant,

since he has worked. His regularisation of the post has not been done. His pay protection was recommended but it was found that no such action could be taken in absence of sanction. The service details of the applicant have been narrated. The grounds raised in the Original Application have been generally denied.

5. A short rejoinder has been filed controverting the facts and grounds raised in the reply and it has been averred that the applicant has not been paid salary from 01.04.1995 to 28.02.1996, April 2001 to Feb. 2002, October 2002 to Feb. 2003 & April, May and Jun. 2003.

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.

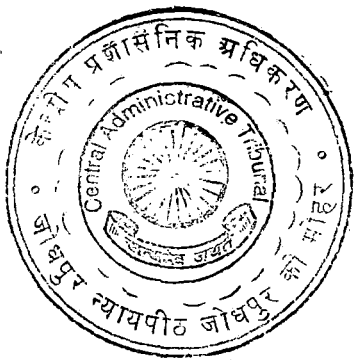
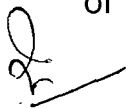


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7. We have anxiously considered the controversy involved in the instant case. Perhaps this is unique case where an employee had to approach to the Tribunal for release of his monthly salary. We would have taken a very serious view in the matter but for the assurance of the learned counsel for the respondents we are inclined to take a 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 faced 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. The learned counsel for the applicant insisted that the applicant should be treated as regular. We find ourselves unable to subscribe with his views. From the records, we find that the applicant has been confirmed on the post of Lab. Bearer and there is no question of any regularisation at this juncture. There is also no prayer regarding protection of pay of the applicant. Even there was no case for release of salary for a period earlier to Oct. 2002 but in rejoinder the earlier period has been added.

9. However, we find that the impugned order dated 08.10.2002 is equally amazing. The order of confirmation in respect of the applicant is on records at Annexure A/9. It is difficult to understand as to what further order for regularisation of service of the applicant is required. It is also a mystery as to



once the applicant is holding the post of Lab. Bearer on regular basis, how his salary has been stopped.

10. Alternate prayer is also quite peculiar and we do not find any basis for the same. There seems to be no coherence in the pleadings of the applicant. However, in view of the assurance made by learned counsel for the respondents, regarding release of salary, we are not entering into further debates besides there being scanty materials.

11. In the premises, the Original Application merits acceptance in part. The impugned order dated 08.10.2002 stands quashed. 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), for the period of three years prior to date of filing of Original Application, 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

Received Copy Today  
Krakashree  
Atr 7/4/04

Part II and III destroyed  
in my presence on 23/10/13  
under the supervision of  
section officer (1) as per  
order dated 18/10/13  
  
Section officer (Recd) 23.10.2013