

11/11/2007

CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

ORIGINAL APPLICATION NO. 28/2005

DATE OF DECISION: THIS THE 13TH DAY OF APRIL, 2007.

CORAM :

HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER

Jeevan Singh S/o Shri Jagannath Singh Bhati, aged about 46 years resident of Village and Post Bhadrajen, Tehsil Ahore, District Jalore. Official Address : Fitter General Mechanic (S.K.), M.E.S. No. 169312 under respondent NO. 4.

.....Applicant.

By Mr. G. Vaishnav, Advocate, for applicant.

Versus

1. Union of India through the Secretary
Ministry of Defence, Secretariat, New Delhi.
2. C.D.A. (Southern Command), Pune - 411 001.
3. Area Accounts Officer (S.C.)
Vhattpura Road, Jaipur 302 012.
Garrison Engineer (Army) No.1, Multan Lines, Jodhpur.
A.G.E.E. / M-II, Army, Jodhpur.

.....Respondents.

By Mr. B.R. Mehta, Advocate, for the respondents.

ORDER
[BY THE COURT]

Shri Jeevan Singh, applicant, has asked in this O.A. for the following reliefs :-

"by an appropriate order or direction the respondents may kindly be directed pay all arrears of Salary, P.F., Night Duty Allowance and Gratuity amount with interest."

2. The factual matrix of the case as brought out in the O.A. and pleased by the learned counsel for applicant is as follows :-

The applicant was appointed on the post of temporary Mazdoor on 27.10.1978 and was appointed in

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quasi-permanent capacity on this post on 27.10.1981. He was promoted to the post of Motor Pump Attendant on 1.11.1983. After medical investigation, applicant found himself suffering from T.B. On 6.8.1996. He moved an application for voluntary retirement on health ground following by a resignation letter dated 19.6.1997.

The applicant was advised for depositing three months' salary in pursuance of his resignation and he deposited the same on 27.7.1998. His resignation was accepted w.e.f. 28.7.1998. After acceptance of the resignation letter, applicant made a few representations regarding payment of his dues. This O.A. is a followup of the same and now the applicant has sought the relief(s) as mentioned above.



3. The matter was argued at length by the learned counsels of applicant and also of the respondents. On the previous date of hearing on 11.4.2007, the learned counsel for respondents submitted details of leave account, periods for which Extra Ordinary Leave (EOL) was sanctioned and 'Due and Drawn' statement from January 1996 to July 1998. These details were given to the learned counsel for the applicant who sought for a short adjournment to cross check these details with the applicant. On date, the matter was again argued by both the counsels. On a perusal of the statements so produced, it is quite clear that salary has been paid and there are no arrears left to be paid. There is no arrears of P.F. also and the dues towards this account, have already been paid. Now, the claim of Night Duty

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Allowance and Gratuity is left. As far as gratuity is concerned, the learned counsel for respondents submits in his arguments as well as in the counter that since the applicant has not completed requisite length of service, he is not eligible for gratuity. A cursory glance on the date of joining and date on which resignation was accepted, confirms this fact, thus, no gratuity is payable.

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4. As regards the Night Duty Allowance, the learned counsel for the applicant mentioned that after the V Pay Commission, every employee performing night duties, were paid a lump sum amount of Rs. 10,000/- and this money has not been paid to the applicant. He has requested that necessary directions to the respondents may be issued to release the sum towards Night Duty Allowance. Respondents may check up their records and pay any such outstanding night duty allowance which is due and not yet been paid.



5. The O.A. is disposed of accordingly and the respondents are directed to check-up their records and if anything in regard to Night Duty allowance is due to the applicant, the same should be paid to him within a period of three months. No orders as to cost.

R.R.Bhandari

(R.R.Bhandari)
Admv. Member

Copy of order sent to
Affidavit of W.N. 115.07.

Part II and III destroyed
in my presence on 03.06.14
under the supervision of
Section Officer (J) as per
order dated 26.03.14

Section Officer (Record)

Received copy
of order
for permanent
posting