

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

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J.A. No. 1200/90
(F.L. No. 225/92)

G.B. Joshi

Applicant.

versus

Union of India and others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

On behalf of the applicant, in his application
been it has/stated that the salary has already been paid
to him and as such he confines his claim only to the
payment of interest and costs. The learned counsel
holding brief of Shri K.C. Sinha, counsel for respondents,
states that the salary has been paid to the applicant,
and thus, the application ^{has} becomes infructuous.

2. The applicant prayed in this application
that the order of Regional Director, National Savings,
Ministry of Finance, Govt of India, Allahabad dated
31.12.86 may be set aside and the applicant's salary
allowances be paid with effect from 10/83 to 2.9.84
with interest and the costs of the petition.

3. The applicant was employed in the office of
National Savings Commissioner, Bijnore and transferred
to Regional Office Gondia and he requested for change
of place of posting. He was faced with disciplinary
enquiry and a charge sheet was issued upon him for

flouting orders and not attending the duties. The enquiry was held and the charges were proved and order imposing penalty of stoppage of adhoc increment was passed on 18.11.86. That order became ineffective. The period in which he did not join was treated as dies non. Salary has been paid to the applicant and applicant's claim for interest is not justified, as he is also responsible and he cannot escape his responsibility and that the period was treated as dies-non. Accordingly the applicant's claim for interest and costs does not stand on good footing. Application has partly become infructuous and otherwise it is dismissed.

No order at costs.

U. S. Mishra
Vice Chairman.

Shakeel/-

Lucknow: Dated 9.11.92.