

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. No. 274/91

R.L. Gupta

Applicant

versus

Union of India & others

Respondents.

Shri R.V. Tewari

Counsel for applicant

Shri M.C. Sinha

Counsel for Respondents.

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

The applicant who is a retired employee of N.E. Railway, has prayed that it may be declared that withholding of due increments amounting to Rs 44,88146.98 as per Annexure 1 and 2 was totally illegal and the applicant be paid full with due interest as per Railway Rules and non payment of National Holiday allowance, T.A., OLS officiating allowance, leave salaries was illegal and the applicant be allowed for payment with interest and fixation of the petition of the applicant be Rs 805/- instead of Rs 653/ and DCRG not yet paid be allowed to be paid as per Annexure -3.

2. Today, when the case was called ^{out for hearing} the learned counsel for the respondents prayed for time to file written statement and the prayer has been

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refused as much time has been granted earlier. On 13.7.92 one week's time was granted and it was provided that in case no counter is filed, the respondents shall forfeit their right to file the same. The case was listed thereafter on 29.7.92 on which date the application for adjournment was moved on behalf of the respondents and the case was adjourned for the next day i.e. on 30.7.92 on which date an amendment which was prayed for was allowed and 2 weeks time was granted to file counter, if any in this behalf and the case was listed on 18.8.92 but no counter was filed and yet on 18.8.92 one week's time was granted to file the counter. Even then the order was not complied and there is no question of filing the written statement and the respondents are intentionally delaying the disposal of the case and are not interested in filing the same and the learned counsel for the respondents has been allowed to make the submissions orally.

3. The applicant was appointed as Trains Clerk on 4.1.1963 and was promoted as Senior clerk on 1.7.1982 and according to the applicant his fixation was not done properly and he was not given due increments from 1963 till retirement and also benefit of promotion increments detailed in Annexure No. 1. All this has been challenged by him as he was entitled to promotion increments and yearly increments and the increments be legally paid to him as at the

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time of promotion it was not given to the applicant. He was entitled to all the amount which has wrongly been deducted and for the enhanced D.A. and for National holidays, T.A. amounts, O.T. Amounts officiating allowance and Night duties allowances and his pension and D.C.R.G. has been wrongly fixed and thus he is entitled to the correct pension and D.C.R.G. Subsequently, by way of amendment he reduced his prayer. He confined it to Rs 1,04,471.78. So far as the increments are concerned the details have been given in Annexure -1 to the application. The applicant has claimed Rs 8,040.00 in respect of increments not given, Rs 6,186.78 in respect of O.T.A., T.A. National Holidays allowances, officiating allowances and Deduction of pay and illegal deduction from pay and Rs 90,245.00 in respect of proper pension of pay, pension and D.C.R.G., Leave Encashment etc. All these three amounts have been mentioned in Annexures 1, 2, and 3. Respondents did not give any reply for not paying the same and thus the applicant has got to succeed and it is established that the applicant's claim is correct. This application is allowed and the respondents are directed to pay the entire amount which has been claimed by the applicant in Annexures 1, 2 and 3 within a period of 3 months from the date of receipt of a copy of this judgement. No order as to costs.


Vice Chairman.

Shakeel/

Tuckrow: Dated 17.9.92.