

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

TRANSFER APPLICATION NO.378/1986

Mr. CHANDRAKANT SHRINATH DHOTRE
S.No.692/693 Plot No.11
Flat No.6; Pune

APPLICANT
(Original Plaintiff)

Vs.

THE UNION OF INDIA
through the Secretary,
Ministry of Industries, New Delhi

RESPONDENT
(Original Defendant)

CORUM: Hon. Vice Chairman
Justice B.C. Gadgil

Hon. Member J.G. Rajadhyaksha

APPEARANCE :

1. Advocate for the applicant : MR. V.S. Gadgil
2. Advocate for the respondent: None

ORAL JUDGEMENT

(PER JUSTICE B.C. GADGIL, VICE CHAIRMAN) Dated: 21.01.1987

Regular Civil Suit No.750 of 1983 of the file of the
5th Jt. Civil Judge, Senior Division, Pune, is transferred
to this Tribunal and is numbered as 378/1986.

This is a very short matter in which the applicant
is claiming his salary for one month immediately prior to
his retirement.

There is no dispute that the applicant has not been
paid the said salary of Rs. 1203/- The respondents by fil-
ing the written statement have contended that the residential
accommodation was allotted to the applicant in his capacity
as an employee of the Department and that the salary was not
paid as he had not vacated the premises. The respondents
are absent. Nobody appeared on their behalf when the matter
was called out for hearing to-day.

It was urged on behalf of the applicant that the
premises were taken on rent by the applicant in his indivi-
dual capacity and it was not allotted to him as an employee
of the Department. Mr. Gadgil for the applicant showed us a
copy of the decision in suit no. 401 of 1972 which was filed
by the Landlord against the applicant under the Rent Act.
Presumably the suit was on the basis that the applicant was
a direct tenant. The said suit was dismissed on 25.9.1975.

He also showed us a letter dated 19 March, 1968 written by The Small Industries Services Institute suggesting that the said premises have been taken by the applicant in his individual capacity as a tenant. A copy of the said letter is produced to-day and the same is taken on record. The applicant has retired from service on 1 August, 1975. The respondents are absent to-day. We do not think that it would be just to adjourn the matter. As a matter of fact it would be in the interest of the parties if the salary for the concerned month is paid to the applicant. However, we also intend to protect the respondent~~fee~~ by directing that the dispute as regards the residential premises having been taken personally or their having been rented to the Department is kept open.

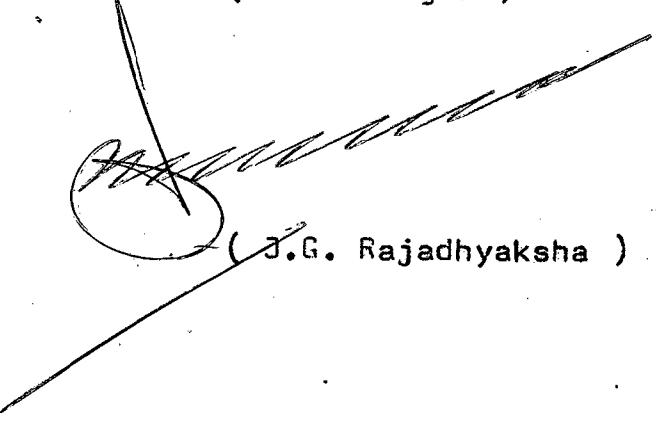
Thus the applicant is entitled to claim Rs.1203/- as the salary. The applicant has affixed court fee stamp of Rs. 118.75. In addition he will be entitled to the cost of the suit which we quantify including the court fee at Rs. 300, and pass the following order :

O R D E R

The respondents are directed to pay to the applicant Rs. 1203/- together with interest thereon from 12.04.1983 till the actual payment at the rate of 12% per annum.

In addition the respondents are also directed to pay the cost of this litigation which we quantify at Rs. 300/-.


(B.C. Gadgil)


(J.G. Rajadhyaksha)

trk/-