

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

TRANSFER APPLICATION No. 382 of 1986

Mr. C.S. DHOTRE
R/o Flat No.6, Pune-37

APPLICANT
(Original Plaintiff)

Vs.

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

RESPONDENT
(Original Defendant)

CORAM:

HON. VICE CHAIRMAN
JUSTICE B.C. GADGIL

HON. MEMBER J.G. RAJADHYAKSHA

APPEARANCE :

1. Advocate for the applicant : 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. 749 of 1983 of the file of the 5th Jt. Civil Judge, Senior Division, Pune, is transferred to this Tribunal and is numbered T.A. No. 382 of 1986.

The applicant was an employee working with respondent No. 3. He was entitled to Additional Dearness Allowance as per the Government orders. The said Dearness Allowance was not paid. He, therefore, filed the suit in question to recover Rs. 2062/-. The respondents have appeared in the suit and they have filed the written statement. There is a general denial by the respondents alleging that the applicant is not entitled to such Additional Dearness Allowance. However, the applicant has filed in the suit at exhibit 3/1 a letter dated 25.06.1981 from respondents No. 3 wherein it was admitted that the applicant was entitled to the arrears of Dearness Allowance of Rs. 1462/-. Mr. Gadgil for the applicant on instructions from his client (who is present in the court) has stated before us that without admitting the correctness of the amount of Dearness Allowance as alleged by the respondents, the applicant is willing to accept the amount of Rs. 1,462/- in full satisfaction of the claim. The respondents are absent. None appeared for them when the matter was called on to-day.

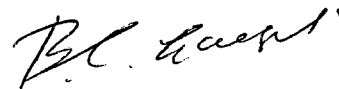
... 2/-

In the face of the letter dated 25.06.1981, it will not be possible for the respondents to validly dispute the claim for the arrears of Dearness Allowance of Rs.1462/- We think that this is a fit case where an appropriate direction should be issued for the payment of the Dearness Allowance together with costs. As far as the costs are concerned it may be noted that the applicant has paid a court fee stamp of Rs. 175/- in the court. We, therefore, quantify the said costs at Rs. 300/- and pass the following orders :

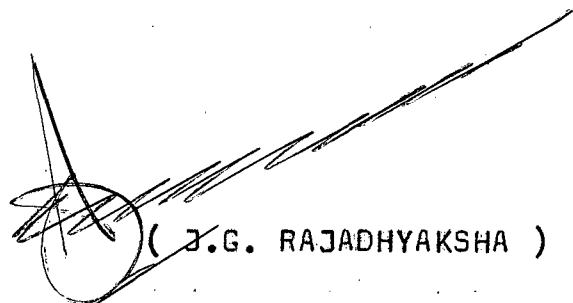
O R D E R S

The respondents should pay Rs. 1,462/- together with interest thereon from 12.04.1983 till actual payment at the rate of Rs. 12% per annum.

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



(B.C. GADGIL)



(J.G. RAJADHYAKSHA)

trk/-