

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 426/2002

Date of Decision: 24.10.2003

Shamsundar Vohra & anr

Applicant

Shri R.G. Walia Advocate for applicant

Versus

Union of India & Ors.

Respondents

Shri S.S. Karkera with Shri P.M. Pradhan
Advocate for Respondents

CORAM: HON'BLE SHRI S. BISWAS
HON'BLE SHRI MUZAFFAR HUSAIN

MEMBER (A)
MEMBER (J)

1. To be referred to the reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library.

5. S. BISWAS
(S. BISWAS)
MEMBER (J)

Gajan

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 426/2001

THIS THE 24 TH DAY OF OCTOBER, 2003

CORAM: HON'BLE SHRI S. BISWAS. .. MEMBER (A)
HON'BLE SHRI MUZAFFAR HUSAIN. .. MEMBER (J)

1. Shamsundar Vohra
Residing at Flat No.4572,
Building No.129, New Tilak Nagar,
Chembur, Mumbai-400 089.
2. Miss Neha Vohra,
Residing at Flat No.4572,
Building No.129, New Tilak Nagar,
Chembur, Mumbai-400 089. .. Applicants

By Advocate Shri R.G. Walia.

Versus

1. Union of India, through
Secretary, Ministry of
Information and Broadcasting
Shastri Bhavan,
New Delhi-110 001.
2. Director General,
Doordarshan Directorate,
Mandi House, Copernicus Marg,
New Delhi-110 001.
3. Pay & Accoants Officer,
Ministry of Information &
Broadcasting, AGCR Building,
IP Estate, New Delhi-110 002.
4. Pay & Accounts Officer
(IRLA) fund
Ministry of Information and
Broadcasting, Room No.421
AGCR Building, IP Estate,
New Delhi-110 002.
5. Accounts Officer,
Ministry of Finance
Trikut II Complex
Bhikaji Cama Palace,
New Delhi 110 066. .. Respondents

By Advocate Shri S.S. Karkera with Shri P.M. Pradhan

S -2

O R D E R
Hon'ble Shri S. Biswas. Member (A)

Heard the rival counsel. The applicant has sought the relief to pay arrears of fixation with effect from 01.01.1996 with interest, DCRG of Rs.41,896/- with interest, CGEGIS etc., to the extent with interest.

2. The respondents have given their reply to the allegation that pay of the applicant was not fixed with effect from 01.01.1996 for want of option. To this learned counsel for the respondents has brought to our notice the necessary option, which was tendered by the deceased employee when she was alive vide communication dated 24.01.2001 addressed to the deceased employee by Senior Administrative Officer enclosing the copy of the option. It is however disputed by the respondents that this not an option but an undertaking to refund over payment if any with effect from 01.01.1996. We have gone through it and find this is an enclosure to the letter dated 24.01.2002 where it has been indicated to be an option submitted by Smt. Kalpana Vora and there should be no dispute to treat this as an option of the deceased employee. We are not able to accept the plea of the respondents and therefore direct that this be taken on record for giving the deemed scale to the deceased employee with effect from 01.01.1996.

3. The respondents have submitted a detailed reply stating that dues have been calculated as per deputy

S. A ...3.

Controller of Accounts in the enclosed chart pages 45 to 51. On the face of this detailed accounts, it will be difficult for us to go through and determine the amount due, drawn and difference pending to be paid. The respondents have also indicated in their detailed payment chart the dues to be paid to the deceased employee. The interest and remaining amount is due to be released and adjusted from the DCRG and other dues and therefore whatever amount is payable after adjustment has to be worked out with reference to the chart as every item is disputed by the applicants.

4. We dispose of this OA with the following directions. The applicant will submit a detail representation to the respondents item-wise stating the amount paid, due and the difference to be paid by the respondents within eight weeks of receipt of copy of this order and similarly the respondent authority will give a speaking order with detail account of payment due and payment actually effected within another eight weeks after receipt of the representation. If the applicant wants to have personal hearing, the same may also be extended and delay on account of deIebration would be added to the time granted in this respect. OA is disposed of accordingly. No costs.


(MUZAFFAR HUSAIN)

MEMBER (J)


(S. BISWAS)

MEMBER (A)

