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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1250/93

Transfer Application No x

DATE OF DECISION: 3.6.1994

V.P. Singh

Petitioner

Mr. D. R. Talankar

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. N.K. Srinivasan

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S. Deshpande, V.C.

The Hon'ble Shri

1. To be referred to the Reporter or not ? *W*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *W*

V.C.

V.C.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 400001

O.A.NO.1250/93

V.P. SINGH

..APPLICANT

v/s

Union of India

through G.M. Western Rly. & Ors.

..RESPONDENTS

Coram: Hon.Shri Justice M.S.Deshpande, Vice Chairman

Appearance:

Mr. D.R. Talankar
Counsel for the applicant

Mr. N.K. Srinivasan
Counsel for the respondents

ORAL JUDGMENT:

(Per: M.S. Deshpande, Vice Chairman)

DATED: 3.6.1994

The applicant retired as Office Superintendent (Typists) from the office of the Chief Engineer, Survey and Construction, Western Railway, Churchgate on 30.11.1989. The respondents 1 to 4 are Managers and Senior Executives of the Western Railway while the respondent no.5 is a Senior Divisional Accounts Officer. The applicant has also worked as Secretary to the Western Railway Social Welfare Centre from 1.1.1984 to 31.1.1990. He retired from service on 30.11.89. By the letter dated 20th October 1989 the applicant's seniority was fixed over

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one Mr. S.L. Amar. But he was not paid the arrears of salary which was due to him by virtue of the regularisation of the seniority. The accounts of the Welfare Centre of Railway Colony, Bandra (E) where the applicant was the Secretary were not audited and so a certificate was sought by the letter dated 24.1.91, Exhibit D from the applicant that no amount is outstanding against him and pending the receipt of such certificate the arrears due to the applicant were not to be paid. One Shri R.K. Chaturvedi came to be nominated as Auditor by the letter dated 6.5.91. Shri Chaturvedi audited the accounts and issued a certificate on 1.8.91 that the accounts were audited for the six years from 1984 to 1990 and were found to be correct. Curiously enough instead of making the payment on the basis of this certificate by order dated 15.2.90, Exhibit H, Shri G R Patnekar and Shri C. Surat Babu were appointed for reauditing the accounts of the Social Welfare Centre, Bandra (E) for the years 1984-85 and it was directed that the relevant record should be made available in the office for auditing those accounts for finalising the pending issue of the applicant, the then Secretary. The applicant's grievance is that nothing was done by the Auditors so appointed and in spite of his retirement on 30.11.89 the arrears of his wages were not paid to him.

2. The only contention raised by Shri Srinivasan, the learned counsel for the respondents at the time of hearing was that the Respondent no.3 had no authority to nominate the auditor because as per the order dated



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31.8.1959, Exhibit R-3, the auditor should have been nominated by Respondent nos. 4 and 5, and they were so appointed by the letter dated 15.2.93 and their report has not been received.

3. It was urged on behalf of the applicant that the applicants were never informed about this position and they went by the certificate issued on 1.8.91 by Shri Chaturvedi. In any event it was the responsibility of the respondents who were acquainted with the rules to appoint the officers for auditing the accounts in accordance with the rules and they did not perform that duty properly. The applicant who had retired in November 1989 should not suffer the consequence of the belated action on the part of the respondents. Prima-facie the certificate issued by Shri Chaturvedi shows that the accounts were correct. On the basis of this the applicant would be entitled to ask for the payment of arrears due to him together with interest. If the auditors who came to be appointed by the order dated 15.2.93 in the course of their audit find any irregularity and report that some amounts are due from the applicant the action for recovery cannot be stalled. Shri Talankar, learned counsel for the applicant states that the applicant is willing to cooperate with the auditors appointed on 15.2.93, though he is not at present the Secretary, and he is prepared to appear before the auditors if and when called and explain all the accounts.

4. In view of this position, I direct the respondents to release all the arrears of salary due to the applicant

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together with interest @ 10% per annum until the date of payment. The payment should be made within three months from the date of communication of this order. Liberty to the respondents to make the recoveries, if any, ^{and} outstanding be deducted on the basis of the reports made by the auditors appointed by the order dated 15.2.1993. The applicant gives an undertaking that he would cooperate with the auditors and appear before the auditors if and when called for the purpose of explaining the accounts to them.

5. With the above directions the application is disposed of with no order as to costs.


(M.S. Deshpande)

Vice Chairman