

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No 254/94

Transfer Application No.

Date of Decision : 1.6.95

Kashinath Vithal Shete

Petitioner

Shri R. Dharja

Advocate for the
Petitioners

Versus

Union of India and others

Respondents

Shri S.C. Dhawan

Advocate for the
respondents

C O R A M :

The Hon'ble Shri M.R. Kolhatkar, Member (A)

The Hon'ble Shri

- (1) To be referred to the Reporter or not ? ☒
- (2) Whether it needs to be circulated to other Benches of the Tribunal? ☒

M.R. Kolhatkar
(M.R. Kolhatkar)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 254/94

Kashinath Vithal Shete

... Applicant.

V/s.

Union of India through
General Manager, Central Railway
Bombay VI.

The Divisional Railway Manager
Divisional Office, Personnel Branch
Bhusawal.

... Respondents.

CORAM: Hon'ble Shri M.R. Kolhatkar, Member (A)

Appearance:

Shri R. Deharia, counsel
for the applicant.

Shri S.C. Dhawan, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 1.6.95

¶ Per Shri M.R. Kolhatkar, Member (A) ¶

In this O.A., the applicant has claimed payment of arrears of difference of pay owing to stepping up of the pay from 2.7.57 to 8.4.77. In this connection the learned counsel for the applicant has referred to the letter dated 6.1.92 of DRM, Bhusawal which is reproduced below:

" In connection with the above, it is to intimate you that your pay has already been stepped up to the level of Shri R.S. Choudhari and your pay has already been already up accordingly. The pensionary benefits have already been paid according to correct pay after stepped up with R.S. Choudhari."

The arrears accrued due to stepping of pay from 9.4.77 to 31.5.79 have already been paid to you. However, arrears from 2.7.57 to 8.4.77 could not be arranged due to non-availability of records in the Accounts Office. A letter has already been written to Competent Authority for granting exemption from internal check for the said period to arrange arrears

of payment. On getting sanction from competent authority necessary intimation will be given to you."

It is clear from this letter that there were arrears accrued due to stepping of pay from 9.4.77 to 31.5.79^{which} have already been paid and arrears from 2.7.57 to 8.4.77 could not be granted due to non-availability of records and a letter has already been written to Competent Authority for granting exemption from internal check for the said period to arrange arrears of payment. In the reply, para 11, it is stated that the COP BB VI has ^{not yet} agreed ^{to} with the proposal of exemption of internal check. The applicant has been corresponding with the department and also approached the Pension Adalat. On 23.11.92 a reply has been sent to the applicant. Thereafter the applicant has sent an advocate's notice on 9.9.93. In view of this position we do not go into the question as to whether this O.A. is within the time. ^{Since} the department had initiated a proposal for exempting the claim from internal check, firstly the department is bound to take a decision and secondly to communicate the result to the applicant, which ^{it has} is not done. We dispose of this O.A. by passing the following directions.:

The respondents, in particular the CPO, BB VI with whom the ^{matter} ~~report~~ is pending should take a decision on the proposal received from DRM, Bhusawal to exempt the claim from internal check. If the proposal is rejected, the reasons ^{for} the same should be recorded and ^a proper communication should be sent to the applicant. ^{it}

giving the reasons in case the proposal for exemption
of the ^{claim}~~claim~~ from internal check has been negative^d.
Action in this regard should be completed within
three months from the date of communication of this
order. No order ante costs

M.R. Kolhatkar
(M.R. Kolhatkar)
Member (A)

NS