

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

O.A.NO.741/95

Between:

Date of Order: 26.6.95.

A.P.Misra

...Applicant.

And

1. The Chairman,
Ordinance Factory Board; 10 A,
Auckland Road, Calcutta- 700 001.
2. The General Manager,
Ordinance Factory Project,
Yeddumailaram,
Medak District - 502 205.
3. The Addl.General Manager,(Admn.)
Ordinance Factory Project,
Yeddumailaram,
Medak District - 502 205.
4. The WM(Admn.), Bill Group,
Ordinance Factory Project,
Yeddumailaram, Medak District - 502 205
5. Sri V.V.S.Rao, The Addl.General Manager,(Admn.),
Ordinance Factory Project, Medak District-502 205.

...Respondents.

Counsel for the Applicant : Mr.T.P.Acharya

Counsel for the Respondents : Mr.N.R.Devraj,Sr.CGSC.

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

contd...

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O.A.741/95.

Dt. of Decision : 26-06-95.

ORDER

¶ As per Hon'ble Shri R. Rangarajan, Member (Admn.) ¶

This OA is filed praying for a declaration that the letter No.10/00515/8G/DFPM dated 11-08-1994 of the WM(Admn.) is illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents to pay the salary of the applicant for the month of March 1990 together with interest accrued thereon till the date of payment.

2. The applicant is an Assistant Foreman (Electrical) EM Division, Ordnance Factory, Yeddumailaram, Megak District, A.P. In the year 1990 prior to posting to the present post the applicant was working as incharge of Liaison Cell situated at Secunderabad, even though his original designation is Assistant Foreman (Electrical).

3. His pay and allowances for the month of March 1990 from 01-03-1990 to 31-03-1990 was not paid to him on the alleged reason that he has not paid the in-come tax fully. The applicant however alleges that he has shown his NSS pass books on 02-03-1990 for having deposited an amount of Rs.6,000/- in his NSS account. It is further stated by the applicant that the concerned clerk failed to note this and hence the amount of pay for the month of March 1990 has been irregularly kept back for clearing in-come tax due. By letter dt.14.12.1991 (Page-15 of the material papers Annexure A-4) he was informed that the pay and allowances for the month of March 1990 are lying in the cash office undisbursed and he was asked to collect the same by 24-12-1991 failing which the same will be remitted back to Treasury. However, the applicant in his representation dt. 19-12-91 (Annexure A-5 material paper Page-16) has stated that he will receive the pay only if the interest accrued thereon from March 1990 is also paid to him along with his pay and allowances for the

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month of March 1990. There was no reply for that Annexure A-5 letter. Although no reply was given to him in this connection, by letter dt. 11-08-94 (Annexure A-1 material papers Page-11) he was informed "that his request for payment of interest on the salary of the March 1990 which was not accepted in 6/90 and his salary for March 1990 will be released only when he makes a firm request".

4. Aggrieved by the above he has filed this OA praying as above.

5. The learned counsel for the respondents has submitted that his pay for the Month of March 1990 will be paid to him if he makes a request for payment of the same even now in terms of the letter of R-4 dated 11-08-1994 (Annexure A-1). In view of the above submission the applicant is directed to submit his request to the concerned for receiving pay for the month of March 1990 and receive the same without prejudice to his contention for payment of interest on the un-paid salary of March 1990 till it is paid. The letter of R-4 dated 11-08-94 (Annexure A-1) does not indicate any reason for not releasing interest. It is essential that the respondents should give a speaking order for the refusal to pay the interest on the salary and allowances of March 1990. If the applicant is aggrieved by the reply to be received for not paying the interest on the March salary 1990 till it is paid he is free to approach this Tribunal by filing a OA.

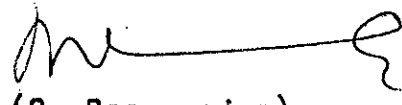
6. In the result, the OA is disposed of with the following direction:-

The applicant is free to receive the salary and allowances for the month of March 1990 if the same is not already paid without prejudice to his contention for payment of interest on the said amount till

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~~It is paid.~~ The respondent No.4 or any other respondents should give a reasoned order explaining the circumstances for refusal of the payment of interest on the salary and allowances for the month of March 1990. In case the applicant is aggrieved by the order to be issued by R-4 or any other respondents as directed above, he is free to approach this Tribunal if so advised by filing a OA under section 19 of the Administrative Tribunals Act, 1985.

7. The OA is ordered accordingly at the admission stage itself. No costs.


(R. Rangarajan)
Member (Admn.)

Dated : The 26th June 1995.
(Dictated in Open Court)


DEPUTY REGISTRAR(J)

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To

1. The Chairman, Ordinance Factory Board, 10 A, Auckland Road, Calcutta - 700 001.
2. The General Manager, Ordinance Factory Project, Yeddumailaram, Medak District - 502 205.
3. The Addl. General Manager (Admn.) Ordinance Factory Project, Yeddumailaram, Medak District - 502 205.
4. The WM (Admn.), Bill Group, Ordinance Factory Project, Yeddumailaram, Medak District - 502 205.
5. One copy to Mr. T. P. Acharya, Advocate, H.No. 1-2-306/1, Gaganmahal Road, Domalguda, Hyderabad.
6. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

YLKR

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

~~THE HON'BLE SHRI A.V. HARIDASAN: MEMBER (1)~~

AND

R. Ranganajam
~~THE HON'BLE SHRI A.B. GORTHY: MEMBER (2)~~

DATED 26-6-95

ORDER/JUDGMENT

M.A.NO/R.P.NO./C.P.NO.

in

O.A.NO. 741/95

~~Admitted and Interim directions
issued.~~

~~Allowed.~~

~~Disposed of with directions~~

~~Dismissed.~~

~~Dismissed as withdrawn~~

~~Dismissed for default~~

~~Rejected/Ordered. *accordingly*~~

~~No order as to costs.~~

YLKR

AVC 6/26/95 (CPM)

