

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 601/96.

Dt. of Decision : 04-06-96.

K. Appala Naidu

.. Applicant.

Vs.

1. The Divl. Railway Manager,
Waltair Division,
SE Rly, Waltair,
Visakhapatnam.
2. The General Manager,
SE Railway, Garden Reach,
Calcutta(W.B.).
3. The Union of India,
Rep. by its Secretary,
Min. of Railways, New Delhi.

.. Respondents.

Counsel for the Applicant : Mr. P. Briz Mohan Singh

Counsel for the Respondents : Mr. N.R.Devaraj, SC for Rlys.

CORAM:

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

ORDER

Oral Order (Per Hon'ble Shri R. Rangarajan, Member (Admn.)) X

Heard Mr. P. Briz Mohan Singh, learned counsel for the applicant and Mr. Satyanarayana for Mr. NR. Devaraj, learned counsel for the respondents.

2. The applicant in this OA is now working as Khalasi Helper in the Engineering Division at Araku Railway Station. It is stated by him that during the year starting from first January 1988 he was not in a fit frame of mind due to some calamity in his house. During the period from first January 1988 to 30th November 1995 he alleges that his pay and allowances were not paid properly and the pay given to him during that period was much short than what he is entitled to. He has filed hand written pay slip reported to be for the month of December 1995 to state that he got a net amount of Rs. 2,045/- as pay and allowances for that month. It is further stated that after that period he is getting similar amount as pay and allowances after necessary deductions. From the above the learned counsel for the applicant submits that the applicant is entitled for similar payment or near about that even before December 1995. But he was paid salary and allowances much lower than that amount indicated in slip at Annexure-I. It is further stated that he had issued two legal notices on 28-09-92 and 18-10-94 alleging that he is entitled for more pay and allowances than what is paid to him during the period January 1988 to November 1995. But ~~it is stated that no reply has been issued~~ to him for those legal notices.

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3. Aggrieved by the above he has filed this CA praying for a direction to the respondents to pay the arrears of difference of amounts liable to be paid to him by the respondents for the period from first January 1988 to 30th November 1995.

4. The learned counsel for the applicant submitted that the respondents may file a short reply indicating the payment made to him during the period quoted above and on that basis further direction can be given. The question involved here is whether the applicant had been paid properly or not during that period. This can easily be verified from the pay slip. It is only a factual verification. Hence, I am of the opinion that no useful purpose will be served if the respondents are asked to file reply indicating the payment made during that period. Instead the applicant himself can check the pay sheets for the months from First January 1988 to 30th November 1995. In case he is not able to check up the pay sheets as he is reported to be illiterate, he may take the assistance of a literate employee or his counsel and check the same at the premises where the pay sheets are prepared. In case it is found that for some months xxx or for the whole period he has been paid short and he has to be paid more than what he has received for that period he may submit a representation to the concerned officer incharge and if such representation is received the concerned officer incharge should examine the case and give a speaking reply indicating the position to him within two months from the date of receipt of a copy of that representation. If the applicant is still aggrieved by the reply to be given ^{in pursuance of the direction} he is free to approach this Tribunal under section 19 of the A.T.Act. In case the concerned officer finds that he has been paid less than

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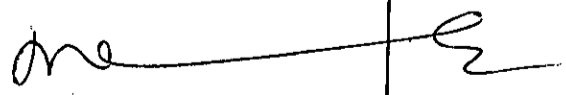
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what is due to him, the difference in the amount should be paid to him immediately thereafter within four months from the date of receipt of the representation from the applicant.

5. In the result, the OA is disposed of as directed below:-

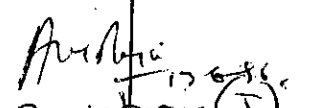
The applicant should visit the premises of the office where his pay sheets are stacked, fixing prior appointment, if required alongwith an educated employee of the department or his learned counsel and check whether there is any discrepancy in regard to the payment of his pay and allowances for the month from first January 1988 to 30th November 1995. If he finds any discrepancy in payment in some of the months or in all the months he should file a representation to the concerned official. If such a representation is received by the concerned official the same should be disposed of by the concerned after scrutiny of the pay sheets within two months from the date of receipt of such a representation. If the official concerned finds that there is short payment, action should immediately be initiated to make good the short payment and to pay him the arrears within four months from the date of receipt of a copy of his representation. If the applicant is still aggrieved by the reply to be given or the short payment is wrongly decided he may file a fresh OA if so advised under section 19 of the A.T. Act.

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



(R. Rangarajan)
Member (Admn.)

Dated : The 4th June 1996.
(Dictated in Open Court)


Dy. Registrar (J)
Cortd.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 24.6.96

ORDER/JUDGEMENT

M.A.NO/R.A/C.A.No.

IN

D.A.NO. 601/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

* * *

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