

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No. 275 of 1999.

DATE OF ORDER: 29-12-1999.

Between:

Y.S.Janardhan.

....Applicant

and

1. Union of India, rep. by its Secretary to Government, Ministry of Defence, New Delhi.
2. The Chief Engineer, Southern Command, Pune.
3. The Assistant Garrison Engineer (I), Military Engineering Services, Bidar-585 401.
4. The Command, Works Engineer (AF), Mudfort, Secunderabad.
5. The Garrison Engineer, Military Engineering Services, Golconda, Hyderabad-500 008.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.Siva

COUNSEL FOR THE RESPONDENTS :: Mr.P.Phalguna Rao

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN
THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

: ORDER :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.Siva, learned Counsel for the Applicant and Mr.P.Phalguna Rao, learned Standing Counsel for the Respondents.



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2. The applicant in this OA joined Respondent No.3 office in the year 1963 on a casual basis. It is stated that he was granted temporary status. He was regularised with effect from 7-3-1967. He has been transferred from the office of Respondent No.3 to Respondent No.5 by Order No.61, dated 9-5-1968, (Annexure.A-2, page 9 the OA). The applicant submits that he is due for increment, of arrears right from the date he joined as casual service. He has enclosed Annexure.A-4 letter dated 13-10-1993 to state that his case has been submitted way back in the year 1993 for grant of increment, of arrears. Subsequently also by memorandum dated 6-3-1995, (Annexure.A-6, page 13 to the OA), the service particulars of the applicant was forwarded to the concerned authorities. Relying on the memorandum No.1087/ IP/1815/EIR, dated 8-1-1996, (Annexure.A-8, page 15 to the OA), he submits that his case was submitted, but with no result. Similarly, he is relying on all other documents to state that his case is pending right from 1993 onwards for grant of increment for the period he served as casual labour and that is not yet settled.

3. The applicant submits on the basis of the reply affidavit in various paragraphs that still the respondents are dilly-dalling the issue without examining his case and only delaying his payment of increment, of arrears for no reason.



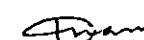
4. In that view the applicant has filed this OA praying for a direction to the respondents to compute and release all the benefits that flow out of the treatment of the length of casual service rendered by him for the purpose of increments within a reasonable period and at any rate not later than one month with 14% compound interest.

5. The reply clearly reveals that the case of the applicant is under consideration. If the consideration ^{is} ~~related~~ back only ^{for} ~~for~~ a short period, probably we would have not interfered to pass any order in this connection. But we find that the delay is enormous and it appears from the reply that the respondents are only postponing the date for grant of arrears due to annual increment. The claim is being transferred from one Unit to another. Hence, such a reply cannot be accepted.

6. A positive direction has to be given. In that view we direct the Respondent No.2 to ensure that the increment of arrears, if any, payable to the applicant should be paid within a period of three months from the date of receipt of a copy of this Order. If it is not paid within that stipulated period, then the respondents are entitled to pay him(applicant) 18% interest for the delayed payment beyond three months.

7. The OA is ordered accordingly. No costs.


(R.RANGARAJAN)
MEMBER (ADMN.)


(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 29th day of December, 1999

Dictated in the OpenCourt

DSN


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3-12-2000