

In the Central Administrative Tribunal, Jaipur Bench,
Jaipur

Original Application Number 346 of 1999
Date of Decision: This is the 12th day of July, 2002.

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The Hon'ble Mr. A.P. Nagrath, Administrative Member
The Hon'ble Mr. J.K. Kaushik, Judicial Member

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Durga Lal Joshi S/o Shri Mohan Lal
Aged 61 years, Ex. Cabinman, Banta Raghunath Garh and
Residing behind Shiva Temple, Chamra Ghar,
Near Railway Bridge, Madanganj,
Kishangarh, District- Ajmer.Applicant.

VERSUS

1. Union of India through
General Manager, Western Railway,
Churchgate, Mumbai.
2. Divisional Railway Manager,
Western Railway, Ajmer.Respondents.

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For the Applicant Mr. N.K. Gautam
For the Respondents Mr. R.G. Gupta

O R D E R

Per Mr. A.P. Nagrath :

The applicant, Durga Lal Joshi had filed this Original Application under section 19 of the Administrative Tribunals Act, 1985, with a prayer that the respondents be directed to implement their own

order dated 30th June, 1995 at Annex. A/1, and make payment of difference of pay to the applicant. His further prayer was for stepping up of pay and to re-fix his pension accordingly.

2. Notice of this Original Application was given to the Respondents who have filed their reply.

3. We have heard the learned counsel appearing on behalf of the parties and perused the material on records.

4. We find that along with the reply, the respondents have filed order Annex. R/1 dated 10th March, 2000, by which the pay of the applicant had been revised and necessary sanction accorded by indicating his pay from year to year right up to the date of his superannuation which is 30th June, 1995. The learned counsel for the applicant submits that the applicant would have been fully satisfied, if only this order had been implemented and payments made accordingly along with revision of his pension, but, the same has not been done so far. The learned counsel for the respondents took a plea that after issue of the letter dated 10th March, 2000, an objection has been raised by the associated finance which is now coming in the way of the applicant. We are really amazed on this attitude of the respondents. The Tribunal has been informed by the respondents specifically by filing a reply and attaching annexures (R/1) thereto, that the pay of the applicant has been revised and sanctioned. The pay earlier sanctioned and as revised, has also been indicated. Now, not to make this payment will make the respondents liable for having made a false statement to mis-lead the Tribunal. It has to be remembered that respondents' reply was filed on behalf of the respondent No. 1 i.e. the General Manager, Western Railway, and respondent No. 2 i.e. the Divisional Railway Manager, Ajmer. Now, it does not lie with any lower functionary to raise any objection once the revised sanction in favour of an employee has been issued. More so, when the Tribunal has also been informed about the sanction. We take a serious note of this attempt on



the part of the respondents in not making payments to the applicant and if the payment, as per the revised pay, is not paid to the applicant within a period which we are going to specify herewith, we will be constrained to take further appropriate steps in case the matter comes before us in any form again.

5. We, therefore, dispose of this Original Application with a direction to the respondents to make payments of difference of pay and allowances to the applicant as determined on the basis of revised pay issued vide letter dated 10th March, 2000 (Annex. R/1), within a period of two months from the date of receipt of a certified copy of this order. The applicant's pension and other retiral benefits shall also be recalculated on the basis of the revised pay and the difference which becomes due because of this revision in settlement dues, shall be paid to him within a period of two months along with interest at the rate of 9% per annum w.e.f. 1st June, 2000 till the date of payment.

6. The parties are, however, left to bear their own costs.

J.K. Kaushik

[J.K. Kaushik]
Judl. Member

A.P. Nagrath

[A.P. Nagrath]
Adm. Member

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[Mehta]