

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 09<sup>th</sup> September, 2008

**ORIGINATION APPLICATION NO. 47/2006**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

B.C. Sihra son of Shri Gopilal, aged about 42 years. By caste Meena, resident of Plot No. 80, Saini Colony 'I' Kartarpura. Jaipur. Presently posted as Superintendent, in the office of Commissioner Appeals (I), Central Excise, Jaipur.

.....APPLICANT

(By Advocate: Mr. Ishwar Tiwari proxy to Mr. Ganesh Meena)

VERSUS

1. Union of India through Secretary, Govt. of India, Ministry of Finance, New Delhi.
2. Commissioner, Central Excise, Commissionerate II (Jaipur Zone), Janpath, Jaipur.
3. The Additional Commissioner (P&V), Central Excise, Commissionerate, Jaipur I, Janpath, Jaipur.

.....RESPONDENTS

By Advocates : (Mr. Hemant Mathur)

**ORDER (ORAL)**

The applicant has filed this OA thereby praying for the following reliefs:-

"(i) By an appropriate order or direction kindly declared the impugned action of the respondents in no paying arrears of salary for the period July, 2002 to June 2003 (suspension period and non payment of Rs.19,660/- (deducted as income tax) and with-holding annual grade increments which accrued to the applicant on 01.02.1997,

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01.12.1998, 01.02.1999 and 01.02.2000, as illegal, arbitrary, perverse and unconstitutional.

- (ii) By an appropriate order or direction the respondents be directed to make payment of arrears of salary for the period July, 2002 to June 2003 i.e. suspension period with interest at rate of 18% per annum.
- (iii) By an appropriate order or direction the respondents be directed to make payment of Rs.19,660/- (deducted as income tax) with interest at the rate of 18% per annum.
- (iv) By an appropriate order or direction the respondents be directed to allow the applicant the withheld annual grade increments which accrued to the applicant on 01.02.1997, 01.02.1998, 01.02.1999 and 01.02.2000 with all consequential benefits with arrears.
- (v) That any other appropriate order or direction which this Hon'ble Tribunal may deem just and proper in favour of the applicant may kindly be passed.
- (vi) That the application be kindly allowed with Costs."

2. As can be seen from the prayer clause, the grievance of the applicant is regarding non payment of the arrears of salary for the period with effect from July 2002 to June, 2003 and also the payment of Rs.19,660/- deducted as Income Tax.

3. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the respondents have specifically stated that arrears of pay with effect from July, 2002 to June, 2003 was prepared and in fact the said amount was also withdrawn from the Treasury but since the applicant did not received the arrears for the aforesaid period, the said amount was deposited back in the Bank through Challan.

4. We have heard the learned counsel for the parties. Learned counsel for the applicant submits that till date the respondents have not paid the aforesaid amount to the applicant, as stated in the reply affidavit.

5. We have given due consideration to the submission made by the learned counsel for the parties. Without going into merit of the case and the fact that entitlement of the applicant regarding arrears of salary with effect from July, 2002 to June, 2003 and arrear of subsistence amount with effect from 10.06.1996 to 11.03.1997 is not disputed and in fact according to the respondents, the applicant is entitled for the arrear of salary but the same has not been disbursed to him, we are of the view that ends of justice will be met if the direction is given to the respondents to pay arrears of salary, which they have deposited back in the Bank, within the period of ~~one~~<sup>two</sup> month from the date of receipt of the copy of this order in case the said amount is not disbursed to the applicant. So far as the grievance of the applicant regarding deduction of Rs.19,660/- on account of 'TDS' is concerned, it will be open for the applicant to take up the matter with the Income Tax Department for the refund of the same.

6. With these observations, the OA is disposed of with no order as to costs.

*B.L. KHATRI*  
(B.L. KHATRI)  
MEMBER (A)

*M.L. CHAUHAN*  
(M.L. CHAUHAN)  
MEMBER (J)

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