

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA 2564/2013

the 6st day of October, 2015.

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P.K.Basu, Member (A)**

Manjeet Rathi
S/o Shri Richpal Rathi
R/o Vill & PO Sankhal, Tehs. Bahadurgarh
Distt. Jahjjar (Har.) Applicant

(By Advocate: Shri Yogesh Sharma)

VERSUS

1. Govt. of NCT of Delhi through
The Chief Secretary
Delhi Secretariat, Players Building,
I.P.Estate
New Delhi
2. The Divisional Commissioner
Govt. of NCT of Delhi
5, Shma Nath Marg,
Delhi
3. The Sub-Divisional Magistrate
Govt. of NCT of Delhi, Model Town
1, Kirpa Narain Marg, Delhi 54
4. The Deputy Commissioner
Distt. North West, Govt. of NCT of Delhi
Kanjhawla, Delhi
5. The Deputy Commissioner
Distt. East, Govt. of NCT of Delhi
L.M.Bandh, Shastri Nagar, Delhi-31 Respondents

(By Advocate: Ms. Sangeeta Tomar)

Order (Oral)**By Hon'ble Mr.Justice Syed Rafat Alam, Chairman**

In the instant application, the short grievance of the applicant is that his salary for the period w.e.f.28.08.2012 till date, as stated in the relief portion of the application, has not been paid. The applicant, therefore, had sought the following reliefs :-

- "(i) That the Hon'ble Tribunal may graciously be pleased to pass an order declaring to the effect that the whole action of the respondents not releasing the salary of the applicant since w.e.f.28.08.2012 till date is illegal, arbitrary and against the principle of natural justice and consequently pass an order directing the respondents to release the monthly salary of the applicant from 28.08.2012 till date immediately with arrears and interest.
- (ii) That the Hon'ble Tribunal may further graciously be pleased to pass an order of awarding heavy cost on the respondents for not releasing the salary of the applicant and compelling the applicant to approach the Hon'ble Tribunal.
- (iii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant."

2. We have heard Shri Yogesh Sharma, learned counsel for the applicant and Ms. Sangeeta Tomar, learned counsel for the respondents.

3. At the outset, learned counsel for the respondents informed that salary w.e.f. 20.11.2012 till date has been paid. However, arrears with respect to the period from 28.08.2012 to 19.11.2012 could not be paid. It is not denied on behalf of the respondents that the salary for the aforesaid period from 28.08.2012 to 19.11.2012 is due and payable to the applicant. However, the reason for stopping payment of salary for the aforesaid period is stated to be the pendency of disciplinary proceedings initiated against him for his unauthorized absence. The learned counsel, however, submits that after calculation of the salary payable during the aforesaid period, payment would be made to the applicant within a reasonable time.

4. Learned counsel for the applicant, however, pointed out that he is not claiming salary for the alleged period of unauthorized absence. He submits that the applicant admittedly joined on 28.08.2012 and since then continuously working at the place of posting given by the respondents, and as such there no justification for withholding the salary for the period from 28.08.2012 to 19.11.2012.

5. Having regard to the submissions made and also keeping in view that there is no dispute that the applicant is continuously discharging his duties during the period in question, i.e. from 28.08.2012 to 19.11.2012, there appears no reason to deprive him of his salary for the aforesaid period. We accordingly dispose of this Application with the direction to the respondents to make necessary calculation in respect of his salary for the period from 28.08.2012 to 19.11.2012 and disburse the same to him expeditiously preferably within four weeks from the date of receipt of a copy of this order.

With the above order, the Application stands finally disposed of, but without costs.

(P.K.Basu)
Member (A)

(Syed Rafat Alam)
Chairman

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