

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00301/15

Date of Order: 15.01.2019

C O R A M

HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Mithilesh Kumar, son of Late Sukhdeo Narayan, presently posted as Director (Social Forestry), Rural Development Department, Govt. of Bihar, Patna resident of Mohalla- Kadam Kuan, PS- Kadam Kuan and District- Patna.

..... Applicant.

- By Advocate: - Mr. S.K. Griyaghey

-Versus-

1. The Union of India through the Secretary, Ministry of Environment, Forest and Climate Change, Govt. of India, CGO Complex, Lodhi Road, New Delhi.
2. The State of Bihar through the Chief Secretary, Govt. of Bihar.
3. The Principal Secretary, Environment and Forest Department, Govt. of Bihar, Patna.
4. The Secretary, Rural Development Department, Govt. of Bihar, Patna.
5. The Principal Chief Conservator of Forest, Bihar, Patna.
6. The Bihar State Forest Development Corporation through the Managing Director.
7. The Managing Director, Bihar State Forest Development Corporation, 4KG Officer Flats, Punaichak, Patna - 15.
8. The Accountant General, Bihar, Patna.

..... Respondents.

- By Advocate(s): - Mr. Radhika Raman for UOI
None for State of Bihar

O R D E R
[ORAL]

Per Dinesh Sharma, A.M.:- The case of the applicant is that he has not been paid the differential amount of salary arising out of re-fixation of pay following various Pay Commission recommendations for the period February, 2002 to May, 2005 when he was working as GM/MD on

deputation with Bihar State Forest Development Corporation (BSFDC in short).

2. The Respondents State of Bihar in their Written Statement have not denied the claim of the applicant but have alleged that this differential amount of arrears of salary is required to be made by the BSFDC, i.e. Respondent no. 6 and 7 of the instant OA. They are waiting for reports from Principal Chief Conservator of Forest in this regard, but have not received the required report. They have also mentioned that after receipt of this report they will request the Finance Department of Government of Bihar for approval of payment to all such officers including the applicant in this OA.

3. The applicant in his rejoinder has said that he has superannuated from service and he is waiting for the release of the arrears from the year 2006. He has also pointed out the lack of justification in waiting for a report from the Bihar State Forest Development Corporation.

4. We have gone through the pleadings and heard the counsels for the applicant and UOI. This is apparently a case of there being no justification for not giving due difference in salary which arose out of pay revisions. Just because the applicant was working on deputation in a state-owned enterprise, his legitimate dues cannot be denied. It is indeed a very sad commentary on the state of affairs that the State Government is still waiting for a report from officers working under them and taking this as an excuse for not releasing what is claimed as a legitimate salary due. We, therefore, direct the respondent no. 2 to take immediate action in this

regard and to release whatever is due to the applicant as per his claim made in this OA, along with interest @ 6% since it became due, and to release it within 30 days of receipt of this order. Any further delay in the release of his lawful dues would make them liable for payment of interest at double the rate of interest mentioned above for the period of such delay. The OA is disposed of accordingly. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member