

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2608 of 2002

New Delhi, this the 22nd day of July, 2003

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HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

A. Rengamannar
Permanent Resident of
12/49, North Mada Street,
Thirukurungudi PO
Thirunelveli District,
Tamil Nadu.

Presently residing with his Son
at Dwaraka, New Delhi-45.
C/101, Kaveri Apartment,
Sector-VI, Dwaraka.

....Applicant

(By Advocate : Shri K.B.S. Rajan)

Versus

1. Union of India, through Secretary
Ministry of Defence,
South Block,
New Delhi.
2. The Jt. Secretary, C.A.O. (TRG),
Ministry of Defence,
C-2, Hutmants,
Dalhousie Road,
New Delhi.
3. The Dy. Controller of Defence Accounts,
P.C.D.A. Headquarters,
G-Block,
New Delhi-110011.

....Respondents

(By Advocate : Shri S.M. Arif)

O R D E R

Heard S/Shri K.B.S. Rajan and S.M. Arif,
learned counsel for applicant and respondents
respectively.

2. In this OA, the applicant, who had retired as Private Secretary in Armed Force (Headquarters), Civil Service, is aggrieved by the action of the respondents in incorrectly and illegally reducing the claim filed by him for transportation charges. He filed a claim of Rs.60421/- towards charges incurred for his travel

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along with his wife and for moving his goods from Delhi to Thirukurungudi in Thirunelveli District, on 27.12.2000, against which Rs.40,480/- was sanctioned, thus disallowing a sum of Rs.19,941/- (balance amount of the total claim). The applicant filed two letters dated 25.6.2001 and 1.8.2001 against the above followed by legal notice dated 17.10.2001. Thereafter three reminders have also been sent to the respondents. The first response came only on 25.2.2002, whereafter on 5.6.2002 an amount of Rs.555/- was passed still leaving a balance of Rs.19386/- to be sanctioned. This has led him to file the present OA. According to the learned counsel for the applicant, the claim filed by him was proper and correct and strictly in accordance with the provisions of Travel Regulation issued by the Ministry of Defence on 28.10.1998 and there was no reason why this incorrect illegal deduction should have been made from his claim. The action of the respondents had not only caused him a loss of Rs.19386/- but also resulted in mental agony. He was entitled for the reimbursement of the whole cost along with interest @ 12 % per annum from June 2001 till the date of payment and a cost of compensation of Rs.5000/-. Shri Rajan, learned counsel also prayed that respondents should also fix the responsibility on the erring individuals in the Ministry who have been responsible for this delay and harassment and the cost could be recovered by the Government from them.

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3. In his reply, Shri Arif appearing for the respondents pointed out that the applicant's claim for Rs.60421/- filed on 27.12.2000 was originally passed for Rs.40480/-. Following the applicant's representations/letters, the matter was considered and it was felt that limiting the sanction to Rs.40480/- was correct. During further examination, Rs.555/- was also granted to the applicant. It is only after the receipt of clarification from the Controller General of Defence Accounts, the balance amount of Rs.19,386/- could be sanctioned, which was done on 27.2.2003. Thus the applicant had been granted his full claim and there was no reason for him to feel aggrieved. According to Shri Arif, action taken by the respondents in reducing the claim earlier was in tune with the standing instructions and the applicant had no reason to complain about. The respondents have not acted in any irregular manner and, therefore, the plea for interest or costs was not to be maintained, pleads Shri Arif.

4. Shri Rajan, learned counsel points out that the disputed amount had been released but this has been done only long after the present OA was filed and that too after giving rise to considerable mental agony to the applicant. The applicant therefore, deserved to be compensated by way of grant of interest and costs of litigation. Deterrent action was do required to be taken against the individuals, who have delayed the matter.

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5. I have considered the matter carefully. Now that the amount of Rs.19,386/-, which had been held back, has been paid to the applicant, the major relief as sought for by him has been granted by the respondents. The fact, however, remains that the respondents had been callous in dealing with the claim of a retired employee for considerable long time. After the claim was sanctioned only partially, disallowing an amount of Rs.19,941/-, the applicant has been making representations/letters/reminders repeatedly. Letters dated 25.6.2001, 1.8.2001, legal notice dated 17.10.2001 and reminders dated 6.11.2001, 20.12.2001 and 31.12.2001 have remained unanswered. For the first time, the respondents have woken up only on 20.5.2002 but the claim took some more time before it got finally settled, i.e., on 27.2.2003, i.e., six months after filing of the present OA. This was totally avoidable. It is necessary, in the circumstances, that the applicant is compensated for the loss and mental agony to which he had been subjected by the respondents. The payment of interest ^{is his case} has become necessary ^{as} declared by the Hon'ble Supreme Court in the case of Vijay Kumar Malhotra Vs. Union of India (2000 AIR SCW 2678). The applicant is also entitled for being compensated towards costs of litigation.

6. In the above view of the matter, the present OA succeeds and is allowed. No order is required in respect to the balance amount of Rs.18,386/-, as the



same has already been paid to the applicant. However, the respondents are directed to pay interest @ 9 % per annum on the above amount due from 25.6.2002 till 27.2.2003. The respondents shall also reimburse the applicant the costs of litigation which is quantified to Rs.3,000/- (Rupees Three Thousand only). The interest and costs should be made over to the applicant within two months from the date of receipt of a copy of this order.

(GOVINDAN S. TAMPI)
MEMBER (A)

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