

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated Tuesday the 2nd day of June Two Thousand And Twenty

PRESENT:

THE HON'BLE MR. P. MADHAVAN, MEMBER(J)
THE HON'BLE MR. T. JACOB, MEMBER(A)

O.A.310/1812/2016

A. N. Dyaneswaran IAS (Retd)
S/o. A. P. Namasivayam,
Hindu, Aged about 73 years,
Residing at M.14, Anna Nagar East,
Chennai-102.Applicant

(By Advocate: M/s. Menon, Karthik, Mukundan & Neelakantan)
Vs.

1. Union of India Rep. by
The Secretary to Government,
Department of Personnel & Training
New Delhi;
2. Government of Tamil Nadu,
Rep. by its Chief Secretary,
Fort St. George,
Chennai-9.

.....Respondents.

(By Advocates: Mr. R.S. Krishnaswamy (R1)
Mr. V. Kadhirvelu (R2))

ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

This is an OA filed seeking following reliefs:-

“ i) to direct the respondents to correctly calculate the interest payable to the applicant from 27.05.1996 to 31.01.2003 in addition to the interest calculated from 2003 to 2010 amounting to Rs.20,83,969/- and pay all the arrears with interest till date of payment;

ii) to pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice.”

2. The applicant's case in brief is as follows:-

The applicant while working as Chairman and Managing Director, TAMIN, the Govt. has suspended him from service w.e.f. 1.5.1996. As per provisions of Rules 16(3) of All India Services (Death-Cum-Retirement benefit Rules, 1958, he was given compulsory retirement in 1998. The applicant challenged the said order by filing OA 594/2002 before this Tribunal. The Tribunal by order dated 09.10.2002 had quashed the order of compulsory retirement and directed to reinstate him with all consequential benefits. The respondents did not take any action to pay benefits till May 2003. The applicant retired on 31.1.2003. So, the order of reinstatement was not implemented. Only after four months the respondents implemented the order and cancelled the order of compulsory retirement. He again approached the Tribunal by filing OA 891/2008 for a direction to settle all the consequential benefits. But the respondents filed reply

stating that the benefits can be given only after disposal of criminal case and Income Tax case. But the Tribunal ordered the OA 891/2008 as follows:-

- "a. The respondents are directed to treat the period of suspension from 01.05.1996 till 31.01.2003 as 'duty period' for all purposes and to pay salary arrears and all other allowances for the said period including fixation of pay on par with his immediate juniors who had been promoted to the Special Commissioner Grade on 17.09.2001 and to pay the arrears of salary and allowances upon such re-fixation payable from 12.3.1998 to 31.01.2003.*
- b. There will be a consequential direction to the respondents for fixation of pension, gratuity and other terminal benefits and arrears payable to the applicant;*
- c. The respondents are further directed to disburse the entire terminal benefits and all other arrears of salary, allowances and other amounts due as fixed above together with interest at 12% within a period of four weeks from the date of receipt of a copy of this order.*
- d. As far as payment of pension is concerned, the applicant is entitled only for the provisional pension to which he is eligible, which should be reviewed after the disposal of the criminal case."*

The respondent accordingly issued a Government order MS (NO) 673 Public (Special –A) Department dated 21.07.2010 sanctioning various benefits and arrears including interest. But the respondent had not paid interest for salary and arrears calculated from 27.5.1996 to 31.03.2003 i.e the date from which it became due cumulatively. The respondents had adopted a wrong procedure in calculating the interest payable to the applicant. The respondents had

calculated the interest for the period from 2003 to 2010 covering 7 years and 5 months and 21 days and paid a sum of Rs. 50,11,451/-(Arrears of pay Rs. 26,41,911/- + 12% interest). He is entitled to get interest for the salary from 27.5.1996 to 31.01.2003. If it is also added he is entitled to get Rs. 20,83,969/- in addition to the above amount. Even though he gave a representation for the same, the respondents did not accede and hence he filed this OA.

3. The respondents filed reply disputing the claim made by the applicant. The Tribunal had allowed 12% interest on the arrears of amount. The respondent had issued G.O. giving all consequential benefits including interest and entire amount was also paid. The applicant is seeking further amounts stating that he is entitled to get interest w.e.f. 27.5.96 i.e. from date of suspension till 26.3.1998 and from 27.3.1998 to 31.1.2003. But the applicant's suspension period was treated as duty and hence he is entitled to only salary during that period. The Tribunal has also not ordered calculation of interest as claimed by applicant. He is not entitled to get any further amount.

4. We had heard both sides and carefully gone through the order of the Tribunal in OA 891/2008 on the basis of which the applicant had filed this OA. On a careful reading, it can be seen that the Tribunal had ordered to disburse the entire terminal benefits and all other arrears of salary and allowances and other amounts due as fixed above together with interest @12% interest within a period of four weeks from the date of receipt of copy of this order. It is clear that the Tribunal has granted interest only on the various arrears of amounts

due as on 31.1.2003 on the date his retirement. There is no order to pay interest the period 27.5.1996 to 31.1.2003 as claimed by the applicant. Hence, the respondents had paid the various arrears of amounts with 12% interest as directed by the Tribunal and there is no merit in the claim put forward by the applicant.

5. Hence OA lacks merits and it is dismissed accordingly. No costs.

(T. JACOB)
MEMBER(A)

Asvs

02.06.2020

(P. MADHAVAN)
MEMBER(J)