CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NOS. 74/2001 & 75/2001

Thursday, this the 4th day of July, 2002

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Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

OA-74/2001

Shri A.K.Mishra, retired Principal
(GBSSS Kailash Nagar, Delhi-31)
A-102, Street No.2, North Ghonda
Yamuna Vihar Road, Delhi-53

..Applicant

OA-75/2001

Shri Tilak Raj, retired Principal
(Sarvodaya Bal Vidyalaya, Kailash Nagar
Delhi-31
D-1/6, Krishan Nagar, Delhi-51

..Applicant

(By Advocate: Shri O.P. Kalshian)

Versus

1. The Chief Secretary
Govt. of NCT Delhi
Old Secretariat,
Delhi-6

2. The Secretary (Education)
Govt. of NCT Delhi
Old Secretariat
Delhi-6

3. The Director of Education
Directorate of Education
Old Secretariat
Delhi-6

..Respondents
(in both the cases)

(By Advocate: Shri George Paracken)

O R D E R (ORAL)

Shri S.A.T. Rizvi:

Common issues of law and facts have been raised in these OAs, namely, OA-74/2001 & OA-75/2001. We are, therefore, taking up both of them for passing this common order.

2. The applicant in OA-74/2001 retired as Principal in December, 1999, whereas the applicant in the other OA,

namely, OA-75/2001 retired in 1998. Both were initially aggrieved on account of refixation of their pay on the basis of the 4th CPC's recommendations as on 1.1.1986. It is stated that their juniors had got away with a higher pay fixed for them as on 1.1.1986. Subsequently, on the basis of a certain judgement rendered by the Hon'ble Supreme Court, orders were passed by the respondents on 6.7.1995 (A-3) revising the dates of promotion of the applicants to the post of Vice Principal. It is the fixation of pay at this level which has been bothering the applicants in these OAs. It is admitted that after the revision of the seniority position as above, the pays of both the applicants in these OAs were stepped up and necessary payments involved have also been made by computing the benefits w.e.f. 1.1.1986. The applicant in OA-74/2001 has been paid a sum of Rs.16,770/-, whereas the other applicant has been paid a sum of Rs.24,068/-. These payments have been made in both the cases in February, 2002. Now, the question that remains is for interest on delayed payments.

3. The learned counsel appearing on behalf of the respondents submits that since the revised seniority position became known only on 6.7.1995, the respondents could proceed to act in the matter, insofar as the stepping up of the pay of the applicants is concerned, only thereafter. In the circumstances, there has been a delay of nearly seven years in making payments to the applicants. In case of delayed payments, different rates of interest have been applied by different Benches on various occasions. We do not find it necessary to go

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into those details. The facts in both these cases are simple. There is a delay of about seven years.

4. In the circumstances, we find that it will be just and in order to direct the respondents to pay interest in each case amounting to 50% of the amounts of the arrears paid in February, 2002. Thus, the applicant in OA-74/2001 will be entitled to Rs.8385/- and the applicant in OA-75/2001 will be entitled to Rs.12034/-. These amounts will take care of interest and also cost. Payments as above will be made in two months.

5. The present OAs are disposed of in the aforestated terms.

(S.A.T. Rizvi)
Member (A)

(Ashok Agarwal)
Chairman

/sunil/

Attested

Nawal
CO CL