

(21)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.764/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)

New Delhi, this the 11th day of December, 2000

Dr. G.R.Sethi,  
C.M.O. (Incharge)  
s/o late Shri S.S.Sethi  
Office - First Aid, Emergency Post  
Room No.206, 'A' Wing, Delhi High Court  
Sher Shah Road  
New Delhi. .... Applicant  
(By Shri S.K.Srivastava, Advocate)

Vs.

1. Union of India through  
its Secretary  
to the Government of India  
Ministry of Science & Technology  
Mehrauli Road  
New Delhi.
2. Surveyor General of India  
Surveyor General Office  
Hathibarkla  
Dehradhu, UP.
3. The Secretary to  
the Government of India  
Ministry of Health & Family Welfare  
Nirman Bhawan  
New Delhi. .... Respondents  
(By Shri D.S.Jagotra, Advocate for R-1 and 2 and Shri  
V.S.R.Krishna, Advocate for R-3)

O R D E R (Oral)

The applicant who was working as a Senior Medical Officer at Dehradun, filed the present OA for interest at 18% per annum for the delay in payment of arrears of his salary and allowances which was due from seven years.

2. It is however stated in the reply that after the applicant's suspension was revoked for the period from 28.3.1990 to 7.10.1991, he was transferred to Labour Welfare Office, Nagpur but he failed to join there. He did not accept the movement order but applied for medical leave. On the other hand, he joined at Kanpur without any order from the

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respondents. Hence, his request made by the applicant for payment of the difference of subsistence allowance and salary for the period till he joined at Kanpur could not be considered and only in view of the direction given by the Ministry he was however paid the salary and other arrears in 1998. The learned counsel for the respondents contends that the applicant himself was responsible for the delay in payment of the arrears due to him.

3. Heard the counsel for the parties. It appears that the applicant has not come to the Court with clean hands. By his own volition he has created hurdles and problems to the administration and the payments were thus delayed. In these circumstances the applicant cannot be permitted to claim any interest.

4. The OA also appears to be barred by limitation as the cause of action arose in 1993 when a direction was issued by the Ministry for the payment of the arrears of pay and allowances consequence upon the revocation of suspension for the period 28.3.1990 to 6.10.1991. If the applicant was aggrieved for the delay in the payments, he should have approached the tribunal within the period of limitation from that date.

5. In view of the foregoing, the OA is dismissed. No costs.



(V.RAJAGOPALA REDDY)  
VICE CHAIRMAN(J)

/RAO/