

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P.No. 416/2000

IN

OA No. 1687/99

New Delhi: this the 29 day of November, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Dr. Durga Dass (Retd.),
A 5B/58B Janakpuri,
New Delhi-58

.....Applicant.

(By Advocate: Shri Deepak Verma).

Versus

1. Sh. P. S. Bhatnagar,

Chief Secretary,
Govt. of NCT of Delhi,
5, Shannath Marg, Old Secretariat,
Delhi-54.

2. Narendra Prasad,

Development Commissioner,
Deptt. of Devlp. Govt. of NCT of Delhi,
5/9 Under Hill Road,
Delhi-54.

3. Dr. R. S. Chillar,

Director Animal Husbandary,
Room No. 98-100, Old Secretariat,
Delhi-54.

.....Respondents.

(By Advocate: Mrs. Jasmine Ahmed)

ORDER

S.R. Adige, VC(A):

Heard both sides on C.P.No. 416/2000 alleging contumacious disobedience of the Tribunal's order dated 22.3.2000 in OA. No. 1687/99.

2. By that order dated 22.3.2000 respondents were directed inter alia to pay to applicant interest @ 18% p.a. on the delayed payment of pension from 1.9.97 till 17.4.99 and on gratuity from 1.8.97 till 3.2.99 within 3 months from the date of receipt of a copy of this order.

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3. Respondents state in reply to the C.P. that the aforesaid order dated 22.3.2000 was received by them only on 19.12.2000, and on receipt of the aforesaid order a sum of Rs.95,294/- has been paid to him on 20.2.2001.

4. Applicant has filed rejoinder in which he states that respondents' counsel had received copy of the aforesaid order in first week of April, 2000 and the aforesaid sum of Rs.95,294/- which was paid to applicant on 20.2.2001 should actually have been paid to him on before 3.7.2000. He, therefore, claims further interest @ 18% p.a. on Rs.95,294/- for the period of further delay of 7 1/2 months i.e. from 3.7.2000 to 20.2.2001.

5. Materials in Part 'C' of the Court case record reveal that a copy of the aforesaid order dated 23.2.2000 was issued by Registry to Respondents on 31.3.2000 and was received in the office of respondents' counsel on 4.4.2000. Respondents, therefore, cannot plead that they were made aware of the contents of the order only in December, 2000. It was their counsel's duty to inform them of the Tribunal's order, and if he did not do so in time, they cannot escape the penalty for the delay by way of payment of interest for that period.

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6. Under the circumstances we hold that in terms of the Tribunal's order dated 23.2.2000 in O.A. No. 1687/99 applicant is entitled to interest @ 18% p.a. on Rs.95,294/- for the period of further delay of 7 1/2 months from 3.7.2000 to 20.2.2001 ^{and} ~~and~~ Respondents should have paid to the same to applicant.

7. We give two months further time to respondents to so and drop the C.P. after discharging the notices, giving leave to applicant that if respondents do not do so, it will be open to him to seek revival of this C.P. through an M.A.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

karthik