

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

R.A. No.354 of 2000 In
Original Application No.1521 of 1998.

New Delhi, this the 10th day of May, 2002

HON'BLE MR. KULDIP SINGH, MEMBER (JUD.)
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Shri Balvinder, proxy counsel for Shri Jog Singh, Counsel for the respondents in the RA.

Versus

95. Chief Secretary and Others ..Petitioners in the RA/respondents in the OA.

Shri Yogesh Chaudhary, proxy counsel
for Mrs. Avnish Ahlawat, Counsel for the petitioners.

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

RA No.354/2000 has been filed by the respondents who had submitted that the applicant in the OA 1521/98 had claimed interest for delayed payment for grant of selection grade and this court allowed the OA vide its order dated 1.9.2000 wherein the following directions were given:-

" Accordingly, we direct the respondents to pay interest to the applicants at the rate of 12% per annum from the date of grant of selection grade to each one of them. These directions should be implemented within a period of 2 months from the date of receipt of a copy of this order."

2. The review applicants pleaded that the OA No.1521/1998 to claim interest at the rate of 24% per annum w.e.f. the date, i.e., 1.4.84 the juniors and other Yoga Teachers had been given vide order dated 3.3.1994 and also heavy costs. But the court while considering the reply of the respondents wherein they



admitted that the petitioners could not be paid the arrears of pay fixed after grant of selection grade because due to enhancement of pay, this department had to seek special budget from the budget branch of this department/finance department and as such no delay was caused in the process and it is the respondents who had taken time to pay to the applicants, so interest was allowed.

3. However, in the review application the respondents had pleaded that prior to this the applicants had filed an OA earlier which was listed as OA 240/96 wherein the department was directed to grant the selection grade w.e.f. from the date when juniors to the petitioners had been granted within 4 months from the date of the order, i.e., 21.11.1996. The counsel for the department also pleaded that the claim for interest was also made in the OA 240/96 but since the same had not been allowed in OA 240/96 so it should be treated as if the relief of the interest was turned down so no interest was allowed. In our view this contention of the learned counsel for the review applicants has no substance because the applicants in the OA had prayed for interest for delayed payment of selection grade despite the orders passed by this court in OA 240/96.

4. On going through the order passed by the Tribunal in OA 240/96 we find that the payment of selection grade was to be made within 4 months from the

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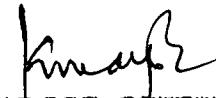
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date of judgment in OA 240/96. The said period of 4 months lapsed on 20.3.97 so we order that the applicants in the OA would be entitled to interest at the rate of 12% from 21.5.97 onwards till the date they had been actually paid. This clarification may be issued to both the parties.

5. RA stands disposed of accordingly. No costs.



(S.A.T. RIZVI)
MEMBER (A)



(KULDIP SINGH)
MEMBER (JUDG.)

Rakesh