

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1318 of 1998

(B)

Date of Decision 28-6-99

Sur Prem Lalat Applicant(s)

Shri M/s. Gupta Advocate for the Applicant(s)

Versus

Govt. of NCT of Delhi & Ors. Respondent(s)

Sh. P. S. Ray (Adv.) Advocate for the Respondent(s)
Departmental Representative

C O R A M: (Single/Division)

Hon'ble Shri R.K. Ahooja Member (A)

Hon'ble Shri _____

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

Yes/No Yes
Yes/No Yes

On
(R.K. AHOOJA)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1318/98

New Delhi, this the 28/5 day of June, 1999

HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

(A)

In the matter of:

Smt. Prem Lata
w/o Lt. sh. R.P.Sharma,
(Retired PGT, Govt. Sr. Secondary School,
Defence Colony),
R/o C-91, Vidyut Vihar,
Kalekhan, New Delhi. Applicant
(By Advocate: Sh. M.K.Gupta)

Vs.

1. Govt. of National Capital Territory of Delhi,
Through its Chief Secretary
5, Sham Nath Marg,
Delhi-110054.
2. The Director
Directorate of Education
Old Sectt.,
Delhi.
3. Dy. Director of Education (South)
'C' Block,
Defence Colony, New Delhi. Respondents
(Sh. P.S.Ray, Dass-II, Departmental Representative)

ORDER

The applicant's deceased husband, namely, Sh. R.P.Sharma was appointed as Post Graduate Teacher (PGT) under the Directorate of Education, Old Secretariat, New Delhi in the year 1965 in the scale of Rs.250/440. This scale was revised to Rs.550-900 w.e.f. 1.1.73 and the salary of the applicant was fixed at Rs.750/- w.e.f. 1.11.74 when he opted for the revised scale. Thereafter he received annual increments on 1st November, 1975, 1976 and 1977 when his pay was fixed respectively at Rs.780/-, 810/- and 840/-. In 1978 on his transfer to another school his pay was suddenly reduced to Rs.674/- w.e.f.

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1.11.78. Again w.e.f. 1.10.79 the respondents reduced his pay further to Rs.550/- in the scale of Rs.550-900. This scale was thereafter revised to Rs.1640-2900 w.e.f.

1.1.86. At the time of his superannuation Sh. Sharma was drawing the pay of Rs.1640/-. His retiral benefits were also determined on the basis of this pay. The grievance of the applicant is that despite representations made by her late husband and herself the respondents did not settle the case of her late husband's for correct fixation of pay. The applicant states that there was no ground or reason for reducing the pay of her late husband which not only resulted in financial loss during the service period of the employee but has also effected the retiral benefits including the family pension and other terminal benefits of the applicant. The applicant has, therefore, now come before the Tribunal seeking a direction to the respondents to rectify the mistake in reducing the pay of her late husband with all its consequences, i.e., proper determination of terminal benefits and pension etc. and payment of interest @ 12% p.a. on the arrears from the date of their dues till its payment.

2. The respondents in their reply have stated that the pay of the deceased Sh. R.P.Sharma has now been revised and the following consequential benefits have been released to the applicant:-

- (i) Arrears of pay amounting to Rs.98,739/-;
- (ii) Commutation of pension amounting to Rs.17,305/-;
- (iii) Gratuity amounting to Rs.15,019/-;

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(iv) Pension payment order for enhanced pension has also since been issued.

(b)

4. When the matter came up for hearing it was submitted by Sh. P.S.Ray, departmental representative on behalf of the respondents that all the requisite payments have been made to the applicant and the OA has thus become infructuous. Sh. M.K.Gupta, counsel for applicant however insisted that since the delay in revising the pay and the pension of the applicant was entirely due to the mistakes committed by the respondents, the applicant was entitled to receive interest on delayed payments.

5. I notice from the reply that no reason or justification has been given by the respondents for reducing the pay of late sh. R.P.Sharma in 1978 and again in 1979. Therefore, the allegation of the applicant that the reduction in the pay and the non-rectification of the mistake made by the respondents has been done wilfully has gone unanswered. In the circumstances the applicant is clearly entitled to payment of interest. However, the applicant approached this Tribunal only on 17.7.98. She will therefore be entitled to receive interest only from a date one year prior to the filing of the OA.

5. For the aforesaid reasons I allow the OA with a direction to the respondents to pay a sum of Rs.10,000/- to the applicant within a period of 2 months

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from the date of receipt of a copy of this order by way of
interest on the arrears of pay, gratuity and revised
pension.

(V)

6. There is no order as to costs.

~~Rkala~~
(R.K. AHOOJA)
Member (A)

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