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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 1342/1998

New Delhi this the 30th day of March, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Sh.S.K.Jain
S /O Sh.C.M.Jain,
G-229, Nanak Pura, Moti Bagh,
New Delhi-21

.. Applicant

(By Advocate Sh.P.M.Ahlawat, learned
counsel through proxy counsel
Sh. Deepak Verma)

Versus

Union of India through:

1. The Secretary to the Govt. of India,
Deptt. of Industrial Policy and
Promotion, Ministry of Industry,
Udyog Bhawan, New Delhi-11

2. The Scientific Advisor to the
Minister of Defence,
Defence Research and Development
Organisation, Ministry of Defence,
South Block, New Delhi-11

.. Respondents

(By Advocate Sh.D.S. Mahendru, learned
counsel through proxy counsel Sh.
S.D. Raturi)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant is aggrieved by the order passed by the respondents dated 23.12.1997 which has been forwarded to him in the letter dated 26.3.1998.

2. The main grievance of the applicant is that no interest had been paid to him for the arrears of principal amount for the period from September, 1972 to July, 1995. He has also submitted that the impugned rejection letter dated 23.12.1997 is not a speaking and reasoned order rejecting his representation which again is bad in law. He has relied on the judgement of the Hon'ble Supreme Court in S.R. Bhanrale Vs. Union of India (1997(1)SLJ(SC) 14) .

3. This OA has been filed on 21.7.98 and notices were issued to the respondents to file reply. In spite of ample opportunities given to the respondents, they have not filed any reply till date, in spite of the fact that the learned

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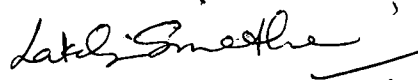
proxy counsel for the respondents had been seeking time to file reply from time to time. At the request of the learned proxy counsel for the parties, the case has been listed today for possible final hearing. Accordingly I have perused the application and documents on record.

4. I find force in the submissions made by the applicant that the impugned order dated 23.12.1997 is a bald order and had not disclosed application of mind or the reasons for which the request of the applicant for payment of interest on the due amounts for the period from September, 1972 to July, 1995 had been denied to him under the rules. As the respondents have also not cared to file any reply to the application for the last several months, it is also not possible to say ~~that~~ what reasons ^{is} weighed with the respondents in rejecting the applicant's representation. The applicant in his representation dated 18.3.97 has set out his case for payment of interest. He has also submitted that the department had taken a decision regarding earlier payment of principal amount of Rs.20,291/- as pay arrears arising out of grant of three advance increments for which he has also expressed his thanks. He ^{has} also stated that he had ^{been} given the benefits of three advance increments at the time of appointment with the respondents. He has also relied on the judgement of the Hon'ble Andhra Pradesh High Court mentioned in the representation. The principal amount of arrears from September, 1972 to Jan., 1995 has been paid to him in July, 1995 in pursuance of the Orders of the Hon'ble High Court and Supreme Court. In the circumstances, the applicant has requested the respondents to pay compound interest @ 18% per annum for the period from 30.9.72 to Jan., 1995. This has been rejected by the respondents in the impugned order dated 23.12.1997.

5. From the above facts mentioned by the applicant, it is seen that the respondents themselves had passed an order dated 31.12.1991 extending the benefits of three advance

increments to all non-petitioners, Sr.Scientific Assistants also who were possessing a Degree in Engineering while joining the service upto 30.11.1973. The applicant has also stated that the arrears arising out of the grant of three advance increments for the period from 30.9.72 to Jan., 1995 has been paid to him but only in July, 1995. From the impugned letter dated 23.12.97, no reasons are discernable as to why the respondents had, after taking a decision to issue the order dated 31.12.1991, further held up the payment of the dues to the applicant for nearly 4½ years.

6. Taking into account the facts of the case and the aforesaid decisions relied upon by the applicant, the respondents are directed to pay 12% interest per annum on the arrears amount arising out of the grant of three advance increments to the applicant from 1.3.92 to July, 1995. This action shall be taken by the respondents within three months from the date of receipt of a copy of this order. No order as to costs.


(Smt.Lakshmi Swaminathan)
Member (J)

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