

Central Administrative Tribunal, Principal Bench

Original Application No. 1521 of 1998

New Delhi, this the 1st day of September, 2000

Hon'ble Mr. Kuldip Singh, Member (J)  
Hon'ble Mr. S.A.T. Rizvi, Member (A)

S/Shri

1. B.P. Dixit~

S/o Shri R.P. Dixit  
Yoga Teacher  
Govt. Boys Middle School  
East Rohtas Nagar, Shahdara  
Delhi

2. Rajender Prasad

S/o Shri Ilam Chand  
Yoga Teacher  
Govt. Boys S.S. School  
Jafraabad, Delhi

3. Krishna Devi

W/o Shri Baljeet Singh,  
Yoga Teacher  
Govt. Girl School  
Ladmi Nagar  
Delhi

4. Manju Saxena

W/o Shri K.K. Saxena,  
Yoga Teacher  
Govt. Girl Sr.S.School  
Radhe Shyam Park,  
Shahdara, Delhi

5. Harnesh Kumari

W/o Shri Swraj Singh  
Govt. (C) M.S.S. School No.1, C Block,  
Yamuna Vihar, Delhi

6. Onkar Dkutt Sharma

S/o Shri Barumal  
Gandhi Memorial comp(M)  
Govt. Boys Sr.Sec. School  
Shahdara, Delhi

7. Atar Singh,

S/o Shri Babu Singh  
Govt. Boys Sr.Sec.School  
Shivaji Park, Delhi

- Applicants

(By Advocate: Shri Jog Singh)

Versus

1. The Chief Secretary

Govt. of NCT of Delhi  
Delhi

2. The Secretary (Education)

Directorate of Education  
Old Secretariat  
Delhi-54

*pu*

3. The Director of Education  
Directorate of Education  
Old Secretariat  
Delhi-54

4. Union of India, through the  
Secretary,  
Ministry of Human Resource Development  
Shastri Bhawan, New Delhi

- Respondents

(By Advocate - None)

O R D E R (O R A L)

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

The applicants who are working as Yoga Teachers had earlier filed an OA-240/96 for grant of selection grade with consequential benefits. That OA was allowed and respondents were directed to consider the applicants for grant of selection grade.

2. In the present OA, the applicants have claimed interest on account of delayed payment at the rate of 18% per annum and also for fixing responsibility of the concerned officer for deliberately delaying the case of the applicants for grant of selection grade.

3. Respondents have contested the application. They have stated in their reply as under:

"It is correct that the petitioners could not be paid the arrears of pay fixed after the grant of selection grade because due to enhancement of pay, this department has to seek a special budget from the budget branch of this department/finance department and as such no delay was caused in the process. The claim of the petitioners to pay interest on account of delayed payment to each petitioners at the rate of 18% is not justified. Regarding Saving Plan for rebate under income-tax is an expression based on their own surmise."


4. Since no one has turned up to contest the OA, we have proceeded to decide the case on the basis of pleadings available on record.

*for*

5. After going through the records, we find that applicants had been granted selection grade in pursuance of the directions given by the Tribunal in O.A. 240/96 - Shri B.P. Dixit and Others Vs. Chief Secretary, Delhi and Others, though with some delay. It is an admitted case of the respondents that there was delay in payment of arrears to the applicants because they had to seek special budget for payment of the same from Finance Department and it took some time to complete this process.

6 After going through the pleadings, we feel that applicants are entitled for payment of interest on the delayed payment of arrears since applicants were not at fault. First of all, respondents did not grant selection grade to applicants and they were compelled to file OA. Thereafter also, the respondents took lot of time to make payment for their own reasons. As such, the applicants are entitled to reasonable interest. 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.

7. O.A. is disposed of with the above directions. No costs.

  
( S.A.T. Rizvi )  
Member(A)

  
( Kuldeep Singh )  
Member(J)