

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.108/95

New Delhi this the 15th day of January 1997

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Shri Sahaj Ram Kataria
S/o Shri Brahmanand Kataria
R/o Mahalwara, Gurgaon Village
Gurgaon, Haryana

...Applicant.

(By advocate: Shri P.P.Madan)

Versus

1. The Director of Education
Dte. of Education
Old Secretariat, Delhi.
2. Additional Director of Adult Education
Under Hill Road
Authority Building
Delhi.
3. Deputy Director of Education
District Central, Bela Road
New Delhi.
4. D.D.O./Vice Principal
Govt. Adult Secondary School
Dev Nagar, Karol Bagh
New Delhi.
5. Chief Secretary
Delhi Administration
5, Alipur Road
Delhi.

...Respondents.

(By advocate: Shri Arun Bhardwaj)

O R D E R (oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicant who retired from the post of Vice Principal from Govt. Adult Secondary School, Dev Nagar, New Delhi is aggrieved by the fact that while he was entitled for stepping up of his pay as was directed in the letter dated 21.2.91 of the Dte. of Education, Govt. of NCT of Delhi and though the applicant made representations for stepping up of his pay and disbursement of consequential arrears of pay and allowances and other retiral benefits, the respondents did not pursue the matter with due

29

diligence with the result that the amounts due were not made available to him. Therefore, the applicant has filed this application for a direction to the respondents to disburse to him the arrears of pay and allowances and retiral benefits consequent upon the stepping up of his pay with interest. Though several opportunities were given to the respondents for filing a reply, they chose not to do so. Ultimately the matter was fixed for final disposal. Even now the respondents have not filed any reply. Learned counsel for the respondents states that a reply has been filed on 22.2.96 but no reply has been placed on record. However, when the matter came up today, learned counsel for the respondents states that the amounts due on account of the stepping up, namely, arrears of pay and allowances as also revised pensionary dues have been paid to the applicant. However, he states that the interest has not been paid. He further states that it is not a case where interest is to be paid as the delay in finalisation of the claim of the applicant occured owing to administrative difficulties as the service book of the applicant was not traceable.

2. We have heard the learned counsel on either side. The responsibility of maintaining the service book of a government servant is not of a government servant but is of the administration. If they fail to do so, that is their own fault. If the applicant had been given the arrears at appropriate time, in these days of inflation, he could have used it and earned some profit either by way of interest or by investment. This the applicant was not in a position to do merely because of the lapse on the part of the respondents.

3. In the facts and circumstances of the case, we admit the application and dispose of it with a direction to the respondents to pay interest on the amount payable to the applicant

✓

by way of arrears of pay and allowances and also the retiral benefits at the rate of 12% per annum from the due date to the date of actual payment to the applicant. The above payment shall be made wthin a period of three months from the date of recveipt of a copy of this order.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

A.V. Haridasan
(A.V. Haridasan)
Vice Chairman (J)

aa.