

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

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

NEW DELHI, THIS 7TH DAY OF MARCH, 1997

O.A. NO. 694/96

SHRI SURJEET SINGH
S/o Lt. Shri Jaswant Singh
Aged about 51 years
80-1007 Sarojini Nagar
New Delhi

working as Draughtman Grade II
in the O/o the Garrison Engineer
Sri Ganganagar, Rajasthan

...APPLICANT

BY ADVOCATE SHRI A.K. TRIVEDI

VERSUS

1. UNION OF INDIA, through
its Secretary
Ministry of Defence
South Block
NEW DELHI
2. ENGINEER-IN-CHIEF
E-in-C's Branch, Army Hqrs.
Kashmir House, DHQ, PO
NEW DELHI
3. Garrison Engineer, P&O
Lucknow Road
DELHI
4. Garrison Engineer
Sri Ganganagar-335001

...RESPONDENTS

BY ADVOCATE - NONE

ORDER (ORAL)

The applicant is serving as Draughtman Grade II in the Military Engineering Service (MES). Vide orders in G.O. No.1929/88, the Draughtmen of MES were granted the same pay scale as were applicable to Draughtmen of CPWD. In pursuance

of this judgement, the pay of all the Draughtmen including that of the applicant was revised. The applicant states that he received the arrears on account of this revision for the period 1.11.1983 to 31.12.1985. Thereafter, however, no payment was made in respect of the arrears. He has therefore come before this Tribunal seeking a direction to the respondents to make payment of the arrears w.e.f. 1.1.1986 along with 18% interest.

2. The respondents in their reply have stated that before arrears could be paid to the applicant, it was necessary that his pay should be refixed in terms of the IVth Pay Commission recommendations w.e.f. 1.1.1986. The applicant is serving in the field and has been transferred, according to the respondents, to a number of places during the intervening period and it has not been possible to obtain the full accounts of his actual and revised pay from all these sources. This had led to the delay in making the payment of arrears. Hence, the delay has not been intentional and they deny the allegation of the applicant in this respect. Today, when the matter came up, none appeared for the respondents. On the last two occasions also, none had appeared on behalf of the respondents. I have therefore heard Shri A.K. Trivedi, ld. counsel for the applicant, and have perused the records.

3. Shri Trivedi states that the respondents have now paid the arrears due to him on 30th August 1996. Thus the only claim which now remains to be settled is the payment of interest on account of the delay in payment to him. I find that this O.A. was filed on 25th March, 1996. The explanation of the respondents that since the applicant had been transferred to a number of places during the intervening period and hence his account could not be complied for the purpose of payment of arrears does not stand to reason since it is not the fault of the applicant that in the exigencies of public service he was

11
moved to different places. At the same time, his colleagues similarly situated were allowed the arrears in time and were able to earn interest thereon. In the circumstances, the claim of the applicant for grant of interest on delayed payment appears to be legitimate. However, the relief to be afforded to the applicant has to be moulded in terms of the time frame in which he has approached the Tribunal for relief. He has come to this Tribunal only in March 1996. Accordingly I direct that the respondents will pay 12% interest to the applicant on the delayed payment from a period one year prior to the filing of the O.A., that is, 25th March, 1995, to the date of actual payment. The order will be complied with within three months of the date of receipt of a copy of this order.

5. The O.A. is accordingly disposed of. No costs.

R.K. Ahuja
(R.K. AHUJA)
MEMBER (A)

/avi/