

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.1150 of 1997

New Delhi, this 29th day of June.1998.

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

R.S. Verma
S/o Late Shri Partap Singh
R/o E G-120, Inderpuri
New Delhi-110012. ... Applicant

By Advocate: Shri B. J. Malvania

versus

1. Lt. Governor, Delhi.
through Special Secretary to L.G.
Raj Niwas
Delhi-110054.
2. The Chief Secretary
Govt. of N.C.T. of Delhi
5 Sham Nath Marg
Delhi-110054.
3. The Secretary
Department of Social Welfare
Govt. of N.C.T. of Delhi
5 Sham Nath Marg
Delhi-110054.
4. The Director
Department of Social Welfare
Govt. of N.C.T. of Delhi
Canning Lane, Old I.T.I. Building
K.G. Marg
New Delhi-110001 ... Respondents

By Advocate: Shri Arun Bhardwaj through
proxy counsel Shri Deepak Bhardwaj.

O R D E R (ORAL)

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

We have seen the pleadings and heard the learned counsel for the parties. Proxy counsel for the respondents has submitted a copy of the order dated 25.6.98 passed by the Lt. Governor of Delhi under F.R.54(B)(I)(a) ordering payment of full pay and

js

allowances to the applicant, Shri R.S. Verma, Supdt.(Retd.), for the period of suspension w.e.f. 29.7.86 to 2.1.87 subject to deduction of payment of subsistence allowance already paid to him for the same period (copy placed on record).

2. The learned counsel for the applicant has submitted that in the light of the aforesaid order dated 25.6.98, the main claim regarding payment of full pay and allowances as claimed in paragraph-8(a)&(b) is satisfied. However, he submits that till date no payment has been received by the applicant. He has also drawn our attention to the order dated 14.9.92 (Annexure-3) wherein it has been stated that the Lt. Governor of Delhi is pleased to regularise the suspension period of the applicant and to treat the suspension period as spent on duty. He, therefore, claims that in view of the undue delay in payment of the pay and allowances for the period of suspension which has now been treated by the respondents themselves as duty period, he may be paid interest at the rate of 18% p.a. w.e.f. 1.10.92, i.e. the date on which the payment ought to have been received by the applicant. The applicant is stated to have retired from service w.e.f. 31.12.89. Learned counsel submits that under F.R.54(B)(I)(a), the competent authority ought to have passed the order regarding the pay and allowances to be paid to the applicant for the period of suspension and paid this amount also from 1992.

18/

13

3. We have also heard learned proxy counsel for the respondents on the above.

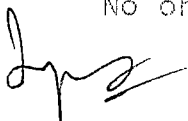
4. We note that even after the aforesaid order dated 14.9.92 had been passed by the competent authority regularising the suspension period as spent on duty, the applicant has admittedly made his first representation to the respondents only on 2.2.94. This OA has been filed on 14.5.97. We also note that by order dated 7.4.94, it was ordered that the suspension period w.e.f. 29.7.86 to 2.1.87 was treated as on duty vide Directorate's Order dated 14.9.92 and the Accounts Officer-I, Directorate of Social Welfare(HQ) had been informed to make the payment of difference of pay urgently. A copy of this order has been addressed both to the concerned Accounts Officer as well as the applicant. From the available records it is, however, not clear as to what further steps the respondents or applicant took regarding payment and receipt, respectively, of the difference of pay. Therefore, taking into account the totality of the facts and circumstances of the case, while no doubt there is some delay on the part of the applicant in pursuing his remedy, there is certainly some fault on the part of the respondents also in not making the due payment of pay and allowances for the suspension period, minus the subsistence allowance already paid, in time. The respondents, in particular

Y.S.

the concerned Accounts Officer, Directorate of Social Welfare (HQ), to whom the letter dated 7.4.94 was addressed, appears to have failed to take necessary steps to make the payments as requested in that order.

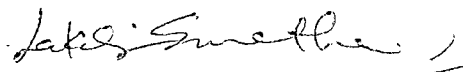
5. In the facts and circumstances of the case, we allow this application to the extent that the respondents shall pay interest at 13% p.a. on the unpaid amount of pay and allowances due for the suspension period w.e.f. one month from the date of filing of this OA, i.e. from 15.6.97 to the actual date of payment. The respondents shall also fix the responsibility for the delay in the payment of the amount due to the applicant and recover the interest so payable from the concerned officer(s) who are held responsible for the delay, in public interest.

No order as to costs.



(K. Muthukumar)

Member (A)



(Smt. Lakshmi Swaminathan)

Member (J)