

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. No. 123 of 1997
in
OA No. 2065 of 1995

(18)

New Delhi, this the 11th day of July, 1997.

Shri Balwant Singh Rana
S/o Shri Prabhu Singh,
R/o H.No.256,
Vill. & P.O. Khera Kalan,
Delhi- 110 082.

...Applicant

Versus

Govt. of N.C.T. Delhi : Through

1. The Secretary(Education),
Old Secretariat,
Delhi

2. The Director of Education
Directorate of Education,
Delhi Administration,
Old Secretariat,
Delhi

...Respondents

ORDER(By Circulation)

Justice K.M. Agarwal -

We have considered the Review Application.

The reliefs claimed are:

(i) to quash the impugned orders at Annexures 'A' and 'B' withdrawing the benefits of special stagnation increments

(ii) direct the respondents to award the Senior Scale to the applicant with effect from 1st January, 1986 in the pay scale of Rs.1640-2900/- alongwith increased pensionary benefits on account of this Order including leave encashment, which has not been paid till date.

(iii) Also direct the respondents to fix the pay in the senior scale of Rs.1640-2900/- and pay the arrears with 18% interest including on leave encashment till the date of realisation.

[Signature]

The applicant seeks a review on the ground (i) that no direction has been given on leave encashment of payment of interest, (ii) while referring to an order dated 12.08.1987, the entire text is not cited, (iii) some typing errors of dates in the order.

2. By our order dated 15.04.1997, Annexures A & B were set aside. With regard to fixation of pay in the senior scale, we directed the applicant to make out his case in a representation to Respondent No.2 who will consider the claims after giving a proper opportunity of hearing and pass a reasoned order.

3. The applicant stated in this Review Application that no directions have been given regarding the prayer relating to leave encashment and 18% interest on all arrears. Payment of interest cannot be adjudicated in a vacuum. Interest is payable for the period a person is unjustly and illegally deprived of any amount that is legally due to him, provided the deprivation is not attributable to any lapse on his part. An award of interest cannot be given without ascertaining the amount that the applicant is awarded. Thereafter, the applicant should establish a legal right for receipt of interest. Hence till the representation is disposed of and the main amount due to the applicant is adjudicated upon and ascertained, any claim for interest is purely academic. The moment the senior scale is decided, other consequential benefits follow, namely, increased pensionary benefits etc. and does not call for a separate direction. In fact, in the

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relief itself the leave encashment and increased pensionary benefits are intended by the applicant himself to be consequential benefits. There is, therefore, no merit on the point in the Review Application.

4. With regard to item No.2, the observations are with reference to an order which is a part of the record. It is not necessary to repeat the entire order. There is no justification for seeking a review on this. Item No.3 speaks of typographical errors. Item No.3 is reproduced as under:

"iii) In the same paragraph, there is a typographical error in the date in the sixth line, where the date has been typed as 23.2.88 whereas the actual date has been typed as 23.3.1988 and in the next line, the office order on 22.3.88 should be read as office order on 23.3.88. These typographical errors may kindly be got corrected."

These are typing errors and accordingly the order is corrected to read as proposed above. Except the typing errors which stand corrected all other claims in the Review Application are without merit. The Review Application with regard to these other claims is dismissed.

(K.M. AGARWAL)
CHAIRMAN

N. SAHU
(N. SAHU)
MEMBER(A)

/Skant/