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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.No.1840/94

New Delhi, this the 11th day of July, 1995

Hon'ble Shri J.P. Sharma, Member(J)

Shri R.N. Jain,
Head Clerk,
Central Store Division,
Central Water Commission,
West Block No.1, Wing No.4,
2nd Floor, RK Puram,
New Delhi

r/o House No.1/2, Gali No.10,
Brahampuri, Delhi.

... Applicant

By Advocate: Shri K.L. Bhandula

Vs.

1. Union of India, through
Secretary to Govt. of India,
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi.

2. The Chairman,
Central Water Commission,
Sewa Bhavan, R.K. Puram,
New Delhi.

... Respondents

By Advocate: Shri N.S. Mehta

O R D E R (ORAL)

The applicant's case is for financial
benefits and only short issue involved in this

case is that the applicant filed O.A.No.2273/88

for certain reliefs before the Principal Bench which
was decided by the order dated 21.12.89. By that

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judgement the order dated 19.8.88 to the extent of
deeming the applicant to have been voluntarily
retired and to continue the disciplinary
proceedings initiated on 4.9.81 against the
applicant to be proceeded under Rule 9 of
CCS (Pension) Rules, 1972 was quashed. It
was further directed that the applicant shall
be allowed to join the duty with all conse-
quential benefits. For the penalty imposed
on the applicant by the order dated 20.7.89
of upholding one increment was approved and
three months time limit was given for complying
with these directions from the date of communi-
cation of the order. The applicant in
pursuance of these directions was allowed to
join the duty w.e.f. 19.4.90. However, the
consequential financial benefits were withheld
by the respondents and deferred ^{for} ~~the~~ the period 2½ years
and paid in October, 1992. The double HRA admissible
to the applicant was also not paid for the period.
The present application has been filed in
September, 1994 in which the applicant has prayed
that the pay and allowance etc. payable to him
for the period from 1.8.81 to 18.10.90 by the

1st May, 1990 has been delayed and paid in October, 1992, interest at the rate of 20% be allowed for this delayed period on the aforesaid salary and allowances due. Further it is claimed double HRA from 1.11.83 to 31.12.92 admissible under the rules which was promised by August, 1994 has not been paid since then.

The respondents have filed a detailed reply but the matter has been cut short by Shri N.S. Mahta, counsel for respondent that as regards the relief for interest on the salary ⁱⁿ the present application, the relief cannot be allowed because of the recent pronouncement ^{-ment} of the Hon'ble Supreme Court in the case of UOI Vs. Dr. J.P. Goyal reported in 1995 (3) Scale 550. In that case Dr. J.P. Goyal was due for grant of selection grade and that payment was made of arrears years after when it was due. The claim for payment was allowed by the lower appellate court but the Hon'ble Supreme Court struck down that order holding that there is no provision where interest can be allowed on the deferred wages or salary. Regarding the second relief prayed for by the applicant, the counsel for the respondents conceded that the matter has already been processed and within a period of three months the amount for double HRA for the period claimed by the applicant shall be paid.

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However, when the learned counsel for the respondents was put a query that period of three months even now when the matter has to be finalised by August, 1994 is too much he further conceded that this period may be reduced by one month, so the respondents undertake to pay the amount within two months from today by 11.9.95. In the event of non payment, the penal clause can be added.

In view of the above facts and circumstances, I am of the view that the claim for interest on the delayed payment of consequential benefits for the period from 1.8.81 to 18.10.90 cannot be allowed for another reason also. The Tribunal decided the case referred to above in the year 1989 did not direct the payment of any interest on the consequential benefits and now second judicial review for that relief cannot be taken. If the applicant apprehend^{-ed} that the respondents may not pay immediately, he could have easily sought review of the judgement for which one month's period is provided or he could have filed a contempt petition for which one year period is provided. He has not sought any of the remedies. He cannot come

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again for second time for considering of non payment or delayed payment and for interest on the consequential benefits paid after $2\frac{1}{2}$ years. One who is awoken gets the relief not one who slumbers. In view of this, the relief claimed for interest cannot be allowed.

The learned counsel for applicant however, has been firm on the point that the interest be allowed on the payment of double HRA because it was promised by the respondents to pay the same by August, 1994 and now we are reaching August, 1995. In any case since the matter has been decided on the statement of counsel for the respondents and the administrative matters of old period may take certain time to finalise as is evident in the financial matter the sanction is obtained at various levels so the request of the applicant's counsel for payment of interest can be granted only after 2 months from the date of this order if the amount of HRA is not paid by the date allowed.

The application is, therefore, disposed of in the manner that the relief for interest on the delayed payment on consequential benefits is disallowed but the respondents are directed to pay double HRA as said in the counter as well as by the counsel for the respondents within

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two months from today failing which 18% per annum interest shall be paid on that amount from August, 1994. If the amount is paid within two months, payment of interest from August, 1994 shall stand waived. Cost on parties. The order has been dictated in the presence of Shri N.S. Mehta, counsel for respondents.

J.P. Sharma

(J.P. SHARMA)
MEMBER (J)

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