

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1450/2000

New Delhi this the 19th day of September, 2001.

HON'BLE MR. M.P. SINGH, MEMBER (ADMNV)
HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Brij Bhushan Sharma,
S/o late Shri R.C. Sharma,
working as Fireman,
Mayur Vihar Fire Station,
Patparganj,
Delhi-110 092.

...Applicant

(By Advocate Shri S.K. Gupta)

-Versus-

1. Govt. of NCT of Delhi,
through Chief Secretary,
5, Sham Nath Marg,
Delhi-110 054.

2. Chief Fire Officer,
Fire Headquarters,
Connaught Place,
New Delhi-110 001.

...Respondents

(By Advocate Shri Vijay Pandita)

O R D E R

By Mr. Shanker Raju, Member (J):

The only grievance of the applicant, which is left to be resolved in this case is whether the applicant is entitled for interest on the amount paid to him as a consequence of revocation of his suspension with full benefits?

2. The applicant, who was involved in a criminal case was placed under suspension on 1.9.93 and on being acquitted from the criminal charges, the respondents by an order dated 20.12.99 reinstated him by revoking the suspension and accorded all benefits during the period of suspension by treating the period as spent on duty. The applicant has filed this OA, inter alia, being aggrieved by

non-accord of full benefits of the pay and allowances w.e.f. 27.8.93 to 11.1.2000 despite expiry of more than two years and has also claimed interest on the amount.

3. Strongly rebutting the contentions of the applicant the learned counsel of the respondents stated that by a cheque dated 21.3.2001 an amount of Rs.2,45,779/- was paid to the applicant through his counsel and the delay on account of reimbursement of the pay and allowances has been taken place on account of the fact that the applicant was acquitted from the criminal charges on 1.4.98 and was reinstated on 3.1.2000. The applicant's arrears have been worked out and time has been taken to complete his service book and personal record and as there is no provision for accord of interest on arrears of allowances etc. on account of reinstatement from suspension he is not entitled for the same as well as he has been acquitted on benefit of doubt.

4. We have carefully considered the rival contentions of the parties and perused the material on record. The contention of the respondents that the applicant is not entitled for interest as he has been acquitted on benefit of doubt is not legally tenable as, as per FR ⁵⁴~~54~~-B after perusal of the judgment the period of suspension has been treated as spent on duty, which is done in cases where the acquittal is on merits. As such they are estopped from taking this contention that the acquittal was not on merits. The applicant was reinstated by an order dated 3.1.2000 whereas the payment has been made to the applicant on 21.3.2001, i.e., after more than one year. The contention of the respondents that delay in making the payment is bonafide as the process of completion of

formalities, including examination of personal record and service book took time, is not reasonable. The respondents should have, after the reinstatement of the applicant, immediately started the process and should have completed the same by April, 2000. The inordinate and unexplained justification of the respondents is not valid. The learned counsel for the applicant has also drawn our attention to a decision of this court dated 2.4.98 in OA-2561/97, Shyam Lal v. Govt. of N.C.T. of Delhi, wherein on account of delay in accord of pay and allowances after revocation of suspension on account of acquittal from criminal charges the court has awarded 12% interest. As such the contention of the respondents that there is no provision for accord of interest is rejected.

5. In the result, the present OA is partly allowed. The respondents are directed to pay to the applicant a simple interest of 12% p.a. w.e.f. 3.4.2000 to 21.3.2001 on the payment accorded to him, within a period of two months from the date of receipt of a copy of this order.

S. Raju
(Shankee Raju)
Member(J)

M.P. Singh
(M.P. Singh)
Member(A)

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