

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELHI.

...

Regn. No. O.A. 183/89.

Date of decision: 20.2.1989.

Shri J.M. Nayar                      ...                      Applicant

Vs.

UOI & Ors.                      ...                      Respondents.

CORAM:

Hon'ble Mr. P.K. Kartha, Vice-Chairman (J)

Hon'ble Mr. P. Srinivasan, Member (A)

For the applicant:              Shri S.P. Pandey, Advocate.

For the respondents:          Shri N.S. Mehta, Sr. Standing Counsel.

JUDGMENT. (oral)  
(delivered by Shri P. Srinivasan, Member(A)).

This Application has come up before us for admission today. Shri S.P. Pandey, learned counsel for the applicant and Shri N.S. Mehta, Sr. Standing Counsel, for the respondents have been heard.

2. In a judgment delivered on 12.2.988 in O.A. No. 762/87 - P.N. Tandon & Ors. Vs. Union of India & Ors., this Tribunal directed<sup>M</sup> that the applicants therein" should be considered for promotion to the grade of Section Officers from the date their juniors were so promoted and if found suitable, in accordance with the Rules, should be given promotion with effect from the date their juniors were so promoted. The applicants, if so promoted to the grade of Section Officers, should be given arrears of pay and allowances with retrospective effect by creating supernumerary posts, if necessary". The present applicant was not a party<sup>H</sup> to that application. However, the respondents considered the cases of the applicants in

P. Srinivasan

3

P.N. Tandon's case and others similarly placed like <sup>present</sup> the applicant for promotion to the grade of Section Officers retrospectively from the date their juniors were so promoted. The applicant was approved for promotion to the post of Section Officer with effect from 3.6.1983 (Appendix 'B' page. 21 at serial No. 86). The applicant's complaint is that he has not been paid arrears of salary and allowances from that date. Shri Pandey, learned counsel for the applicant, submits that even though the order of this Tribunal in P.N. Tandon's case was passed as early as on 12.2.1988, the respondents have not so far implemented the portion of that judgment relating to the arrears of salary and allowances payable to the <sup>present</sup> applicant till now and that they should be directed to pay the same immediately alongwith interest for delayed payment.

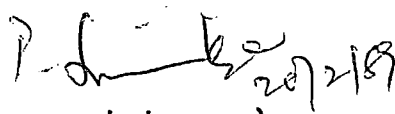
3. Shri N.S. Mehta submits that the respondents are actively working on the arrears to be paid to the applicant but there has been some delay in this regard. He assures us that the arrears payable to the applicant will be calculated and paid to him within a fortnight from today.

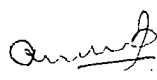
4. After hearing both sides, we are of the opinion that this application can be disposed of at the stage of admission itself with a direction to the respondents to calculate and pay the arrears due to the applicant as expeditiously as possible and in any case, not later than 10.3.1989. We, however, see no merit in the contention of Shri Pandey that the applicant should be paid interest. He was not a party to the application

D. J. Mehta

in P.N. Tandon's case. The cases of over 250 officers for retrospective promotion were considered as a result of the decision of the Tribunal in Tandon's case. Calculation of arrears of pay and allowances payable to so many persons is bound to take time and the respondents cannot be blamed for it. In view of this, we are of the view that if the respondents pay the arrears of salary and allowances due to the applicant within the stipulated date, namely, 10.3.1989, no interest requires to be paid to the applicant.

5. In the result, the application is disposed of at the admission stage itself with a direction to the respondents to calculate and pay arrears of salary and allowances due to the applicant positively on or before 10.3.1989. However, they will not be liable to pay any interest. It is hoped that the respondents will take into account all amounts under all heads due to the applicant as a result of his retrospective promotion. There will be no order as to costs.

  
(P. Srinivasan)  
Member (A)

  
(P.K. Kartha)  
Vice-Chairman (J)