

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: DELHI

O.A. 686/86

Date of decision: 4.12.1989

Shri S.K. Seth ... Applicant  
vs.  
General Manager, Northern Railway & Others ... Respondents

CORAM

Hon'ble Mr Justice Amitav Banerji,  
Chairman.

Hon'ble Mr P.C. Jain, Member (A)

For the Applicant .. None

For the Respondents .. Shri O.N. Moolri, counsel.

(Judgement of the Bench delivered by Hon'ble  
Mr Justice Amitav Banerji)

4.12.89

O.A. 686/86

The applicant, Shri S.K. Seth was an Inspector of Works Gr. III, Northern Railway, Baroda House, New Delhi. The applicant's grievance is that he has not been paid the salary for the period from 26.7.84 to 2.9.84 and has prayed that early payment for the same may be ordered. He has further prayed that the respondents be directed to make payment of Bonus for the period from 26.7.84 to 31.3.85 to the applicant as such payments had been made to all his colleagues. The third prayer is that the respondents be directed to raise the basic pay of the applicant from Rs. 725/- to Rs. 750/- w.e.f. from 1.2.86 and make payment of arrears of increment w.e.f. 1.2.86. Lastly, he has prayed that the respondents be directed to make payment of damages to the applicant which may be equal to ten times the amount of his salary, bonus and

arrear of increment as indicated above.

The applicant has not appeared before us today.

Mr. Moolri, learned counsel for the respondents stated that the applicant had come earlier in the day and met him inside the court room. He asked him to make a statement in the court of what he wanted to say but the applicant left the court room saying that he was not interested. The reason is not far to seek.

On 16th December, 1989, two cheques for Rs.2073.00 and Rs. 852.00 were handed over to the applicant in the court, by Shri Moolri. The latter also filed the Misc. Petition for declaring the O.A. to have become infructuous as the payments had already been made. The applicant, however, claimed interest on delayed payment as according to him these payments were due to him in 1984. Mr. Moolri's contention was that earlier cheques had been despatched to the applicant but they were received back undelivered. The applicant prayed for filing rejoinder. We directed that the matter may be listed for final disposal on 18.1.1989. The respondents were directed to produce record regarding the dates when the amounts became due and the evidence as to when the cheques were despatched to the applicant. On 30.11.89 when the matter came up for final hearing, Mr. Moolri stated that all the dues ~~except interest~~ <sup>as</sup> have been paid by the respondents to the applicant. The only question was of payment of interest on delayed payment and he urged that the

matter was short one and may be taken up. The Bench observed that neither the applicant nor his counsel is present and the matter may be listed for final hearing on 1.12.1989.

There was no sitting of the Bench on 1.12.89. The matter has come up today for hearing. The applicant is not present in the court nor is represented by any counsel.

We have gone through the file. It appears to us that in view of Mr Moolri's statement that all amounts due to the applicant having been paid, he is no longer interested in the matter. The only question which was raised by the applicant before us on 16.12.88 is regarding payment of interest. We have looked at the pleadings. He had not asked for payment of interest anywhere even in clause (iv) of the reliefs asked for. All that he has asked for is payment of damages to the applicant which may be equal to 10 times the amount of his salary, bonus and arrears of increment. There is no provision for payment of damages even in case of delayed payment and there is certainly nothing in the Act or Rules to pay damages equal to 10 times the amount of salary, bonus and arrears of increment. The fact remains that the salary for the period from 26.7.84 to 2.9.84 i.e. a period of 5 weeks is claimed. This has been paid by means of a cheque on 16.12.88. The only question is whether any interest should be paid on this amount. In case there is any delay in making payment, interest may be allowed but that is entirely at the discretion of the Bench.

The assertion that all dues have been paid to the applicant is not disputed now. We will take it that the dues have been cleared. As far as the question of awarding interest is concerned, it has been noticed that there is no such prayer. The prayer is for award of damages at 10 times the amount of salary, bonus and increment. Since there is no provision for awarding damages in the Act or in the Rules, we are unable to grant the same. The applicant, it appears, is no longer interested in any relief. He has not appeared in spite of notice and there is no prayer either for adjournment of the case on his behalf. Consequently, we dismiss the O.A. as devoid of merits. There will be no order as to costs.

*(Signature)*  
(P.C. Jain)  
Member (A)

*(Signature)*  
(Amitav Banerji)  
Chairman