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Central Administrative Tribunal
Principal Bench, New Delhi.

CCP-119/93 in
OA-964/86

New Delhi this the 20th Day of September, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri M.S.A. Rao,
R/o A-246, Defence Colony,
New Delhi-24.

Petitioner

(through Sh.R.Doraiswamy with Sh.Sant Singh)

versus

1. Shri R.D. Ketsun,
Chairman,
Ministry of Railway,
Railway Board,
Rail Bhawan,
Rafi Ahmed Kidwai Marg,
New Delhi-1.

2. Sh. Y.P. Anand,
Chairman,
Ministry of Railway,
Railway Board,
Rail Bhawan,
Rafi Ahmed Kidwai Marg,
New Delhi-1.

Respondents

(through Sh. O.P. Kshatriya, advocate)

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman

The complaint is that the directions given by this Tribunal in its judgement dated 30.8.1991 have not been fully complied with. The directions are contained in paragraph-7 of the judgement which runs as follows:-

"In view of the foregoing discussion, we hold that the respondents' action in issuing the Presidential order dated 11.11.1985 cannot be sustained to the extent that it operates retrospectively. We, therefore, direct that the applicant shall be deemed to have been absorbed

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permanently in RITES with effect from the date of the Presidential Order, i.e., 11.11.1985 and he shall be entitled to all the consequential benefits flowing from his absorption from 11.11.1985, by way of salary and pension etc. There shall be no order as to costs."

The respondents felt dissatisfied with the judgement of this Tribunal and, therefore, preferred a Special Leave Petition in the Supreme Court. In that petition, an interim order was passed staying the operation of the judgement of this Tribunal. On 6.9.93, the S.L.P. was dismissed. On 6.1.1994, necessary payments were made to the petitioner in pursuance of the judgement of this Tribunal. An additional amount of Rs.1536/- ^{2nd} ^{of the} ~~which included~~ total ~~the~~ ^{is} amount payable to the petitioner, towards leave encashment was, however, retained for being adjusted against the dues payable by the petitioner.

In the counter-affidavit filed on behalf of the respondents, it is asserted that all the payments have been made to the petitioner except a sum of Rs.1536/- has been withheld. This fact is not denied by the learned counsel for the petitioner. At this stage, we may note that, despite time being granted to the petitioner on more than one occasion to file a rejoinder-affidavit, no rejoinder-affidavit is forthcoming. The learned counsel for the petitioner has stated at the Bar that the petitioner is not

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cooperating with him in so far as it pertain to the filing of the rejoinder-affidavit. In these circumstances, we are not inclined to grant any further time to file a rejoinder-affidavit.

The only point urged by the learned counsel for the petitioner is that the petitioner should be awarded interest for delayed payment. Indisputably, the Tribunal did not pass any order directing the respondents to pay any interest to the petitioner. We may examine the limited question as to whether the respondents acted unreasonably in not making the necessary payments to the petitioner within a reasonable period from 30.8.91, the date on which the Tribunal gave its judgement.

In view of the facts stated above and in view of the fact that the S.L.P. was dismissed on 6.9.93, wherein an interim order ^{was} ~~is~~ operating, we feel that the respondents neither caused inordinate delay in making the payment to the petitioner nor did they act unreasonably. It is to be assumed that the officials in the Respondents' department are working slowly and, therefore, a period of three months should be given to the respondents for making the necessary payments. We do not consider it appropriate in the facts and circumstances of this case that the petitioner should be awarded any interest.

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Nothing survives in this application. The contempt proceedings are, therefore, dropped.

Notices issued to the respondents are discharged.

No costs.

B. N. Dhoundiyal
(B.N. Dhoundiyal)

Member (A)

S. K. Dhaon
(S.K. Dhaon)
Acting Chairman

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