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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

R.A.No.5/87
O.A.No.489/86

DATE OF DECISION: 30.1.87

Shri B.B.Srivastava ...Applicant

Vs.

Union of India ...Respondent

Shri R.K.Kamal ...Counsel for Applicant

...Counsel for Respondent

CORAM:

The Hon'ble Mr.Justice G. Ramanujam, Vice-Chairman

The Hon'ble Mr.S.P. Mukerji, Administrative Member

JUDGMENT

This is a Review Application filed by the Applicant in OA 489/86 for review of our judgment rendered on 21.11.86 in the said Application. We have heard Shri R.K.Kamal counsel for Applicant.

2. The third line in the last paragraph of the judgment contains a clerical error. The date 31.7.86 has been erroneously shown as 31.9.86. We find after going through the judgment that the date 31.9.86 occurring in the last paragraph of the judgment is clearly a typing mistake. It has been typed as 31.9.86 instead of 31.7.86 as it will be clear from the perusal of paragraph 9. Since it is a typographical error the date 31.9.86 occurring in the last para of the judgment will stand corrected as 31.7.86.

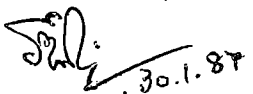
3. The first ground sought for review is that on a sum of Rs.1000 which had been withheld for non-receipt of LPC, interest should have been awarded and


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that we are in error in not allowing the interest on the said sum of Rs.1000 on the ground that the delay does not warrant any interest. Learned counsel for applicant argued that when the same judgment awarded interest on the sum of Rs.5,921.50 for a similar duration of delay, there is no reason why the interest should be disallowed for the sum of Rs.1000 on the ground that the delay is only for 8 months and 20 days. According to the learned counsel if the interest is not allowed for some other reason that would have been a different matter, but non-warranting of interest on the ground that the delay is only for 8 months and 20 days which cannot be compared with the other sums for which the interest has been allowed cannot be legally sustained. A perusal of the judgment indicates that since the amount which has been withheld is only Rs.1000 and the duration of delay is not much we were not inclined to warrant interest. We do not think we have made any error in observing that the delay is not so much as to award interest. We also took into account the amount which has been withheld when we chose to award interest on larger amount even though the delay in the payment was the same. We do not see the discretion which was exercised is not proper or unreasonable. In this way, we are not inclined to alter that portion of our judgment which did not warrant interest on the sum of Rs.1000 which was withheld for want of LPC. Learned counsel refers to the decision of the Supreme Court (1981(1) SLR 750)

in support of his argument that in all cases where there has been withholding of payment for want of LPC a penal interest of 18% should be awarded. It is only an established decision of the Court which should be understood with reference to the facts in that case and it cannot be said to have universal application. The facts and circumstances of the instant case warranted the awarding of interest at 12% which is quite justified. We therefore, do not find any merit in the plea and reject the same.

4. The second ground sought for review is that the rejection of the applicant's claim to treat the sum of Rs.100 paid as ad-hoc allowance as part of the pay for purposes of terminal benefits. It has been pointed out by the learned counsel for the applicant that in the judgment a reference has been made to a communication of 14.10.86 justifying the conclusion urged therein, but the said communication cannot be applied to the events that have taken place earlier and that the said communication should be taken to be extraneous to the case. We are not able to agree with the learned counsel's submission. The communication of 14.10.86 is of a clarificatory nature and therefore it should be taken as applicable for the payment of ad-hoc allowance of Rs.100 paid to the Audit Officers. It is not as if a clarification given by the Government is only for the cases arising in future. We, therefore, are not in a position to accept this contention also. Thus the Review Application subject to the correction of the date in the last paragraph, is rejected.


(S. P. MUKERJI)
ADMINISTRATIVE MEMBER


(G. RAMANUJAM)
VICE-CHAIRMAN