

44

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

R.A.186/93 in Date of decision : 06.7.1993

OA 1511/87

Shri Ananda Prakash Singhal ...Petitioner

Versus

Shri N.N. Vohra
Secretary, Min of Def
New Delhi

...Respondents

CORAM :-

Hon'ble Mr Justice V.S. Malimath, Chairman

Hon'ble Mr I.K. Rasgotra, Member (A)

ORDER

The Review Petition 186/93 has been filed by the petitioner praying for the review of our Order dated 1.3.1993 rendered in C.C.P. 5/1993 in O.A. 1511/87. In the said O.A. he had prayed for payment of interest on account of the inordinate delay in making payment of the amounts due to him. The said order is reproduced below :-

"After hearing the petitioner and the learned counsel for the respondents, we are satisfied that all the amounts due to the petitioner have been ordered to be paid to the petitioner. The petitioner not being satisfied with what has been accorded by the Tribunal, it appears, moved the Hon'ble Supreme Court for further relief. That does not preclude him from enforcing the judgement of the Tribunal. Now the relief to which he is entitled to, having been granted, nothing survives for examination. However, the petitioner submitted that on account of the delay in making the payment he is entitled to interest. He also submitted that

2

certain increments due before the order of the dismissal should also have been worked out. It is not possible to accede to this contention for the reason that the Tribunal has not at all made any direction in this regard to the grant of increments prior to the order of dismissal from service in the year 1983. As regards the interest, it is necessary to point out that no interest has been awarded by the Tribunal which rendered its judgement dated 23.11.1990. Hence no arrears of interest shall be liable to be paid to the petitioner. However, one aspect which requires examination viz. that the actual difference in salary was paid in February, 1993. There was some delay. The difference in the gratuity also was liable to be paid. There is also some delay. So far as the pension is concerned, no interest has been paid. Thus, in regard to the delay in making the payment of the arrears of salary, difference in the gratuity and the pension, we would be justified in awarding interest if the compliance was unduly delayed. As no time was fixed by the Tribunal for compliance, we expect the respondents to have complied the judgement of the Tribunal within about six months. Hence the petitioner would be entitled to interest for a period of one and a half years.

Having regard to these circumstances, we consider it just and proper to direct the respondents to pay a consolidated amount of Rs.2500/- towards interest to the petitioner. This amount shall be paid to the petitioner within a period of one month from this date. Subject to this direction these proceedings are dropped and the notice of contempt is discharged. Nocosts."

[Signature]

46

It is apparent from the above that the Tribunal in its judgement dated 23.11.1990 had not awarded any interest on the amounts claimed as reliefs by the Petitioner. No interest on arrear was, therefore, found to be payable to the petitioner. It was, however, noted that there was delay of about 1½ years in making payment of the differential in the salary as due and as actually paid even after the Tribunal had reordereed judgement in TA 1511/87. Some delay was also observed in the payment of gratuity to the petitioner. Having regard to the totality of the circumstances it was considered just and proper to direct the respondents to pay a consolidated amount of Rs.2500/- towards interest to the petitioner within a period of one month from the date of the Order dated 1.3.1993.

In the Review Application presently before us the petitioner has claimed interest for year and a half at 18% on the total amount of Rs.37096/- which has the following components :-


- | | | |
|-----|--|-----------|
| (a) | Difference in pay and allowances | Rs. 9,581 |
| (b) | Difference in the computation of pension & death-cum retirement gratuity and revised pension | Rs.27,550 |

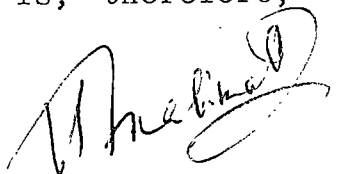
The petitioner concedes that the above position should have been brought to the notice of the Tribunal by him when the CCP was heard. But he could not do so in the absence of the detailed particulars. At that point of time he only knew that the amount due to him was Rs.9,581 on account of difference in the pay and allowances.

d

47

We have perused the record of the case and considered the matter carefully. As observed in the Order dated 1.3.1993 the Tribunal in its judgement in O.A. 1511/87 rendered on 23.11.1990 had not awarded any interest to the petitioner. However, delay in payment of the amount due to the petitioner after the judgement of Tribunal dated 23.11.1990 was taken note of by us and accordingly, a consolidated payment of Rs.2500/- towards the interest was awarded for payment to the petitioner. Ordinarily, therefore, the petitioner was not entitled to any interest in terms of the judgement in O.A. However, as a measure of special indulgence and to mitigate the hardship of the petitioner Court in the special jurisdiction awarded a consolidated amount. This, however, will not justify reopening the issue for the purpose of claiming interest on the grounds which were not agitated earlier. We further observe that under Section 19 of the Contempt of Courts Act, 1971 only appeal lies as of right from any Order or decision of the High Court (Tribunal in this case) in exercise of its contempt jurisdiction. There is no provision in law for entertaining a Review Petition in an order passed in exercising contempt jurisdiction. The R.A., therefore, is not maintainable either on merit or in accordance with the provisions of law. The same is, therefore, rejected in circulation.


(I.K. RASGOTRA)
MEMBER (A)


(V.S. MALIMATH)
CHAIRMAN