

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1444/90 199
T.A. No.

DATE OF DECISION 14.9.1990.

S. M. Verma	Petitioner Applicant
Applicant in person.	Advocate for the Petitioner(s)
Versus	
Union of India & anr.	Respondents
Mrs. Raj Kumari Chopra,	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P. K. KARTHA, VICE CHAIRMAN (JUDICIAL)

The Hon'ble Mr. D. K. CHAKRAVORTY, MEMBER (ADMINISTRATIVE)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Judgement of the Bench delivered by Hon'ble
Mr. D. K. Chakravorty, Member(A))

JUDGEMENT

The short point involved in this application is whether the applicant is entitled to claim interest on the amount directed to be paid to him by virtue of the earlier judgement of the Tribunal when the said judgement is silent on the question of payment of interest.

2. The applicant had filed OA 28/87 in this Tribunal which was disposed of by the Tribunal on 31.1.1990. In the operative part of the judgement, it has been held that the applicant must be deemed to be on duty with effect from 27.10.1986, the date on which he reported for duty at New Delhi and that he would be entitled to salary and allowances from 27.10.1986 to 27.1.1987.

The respondents were directed to pay him the

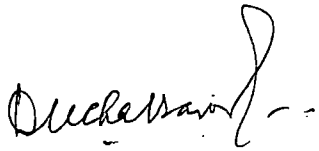
salary and allowances within a period of 30 days from the date of communication of the judgement.

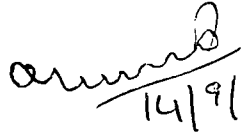
3. The amount due to the applicant by way of arrears of pay and allowances works out to Rs.12,070/- for the period from 27.10.86 to 27.1.1987. The respondents paid him the said amount on 28.2.1990 which is within the time limit given in the judgement. The applicant states that he was wrongly denied interest on the said amount which is being claimed in the present application.

4. The learned counsel for the respondents opposed the admission of this application on the ground that the applicant has no prima facie case for the reliefs sought by him. The judgement of the Tribunal does not direct the payment of interest to him. In case, he wanted to make any such claim, he should have done so in OA 26/37 which was filed by him in the Tribunal earlier.

5. We have carefully gone through the records of the case and considered the rival contentions. In our opinion, the claim for interest put forth by the applicant, is not legally tenable. This is not a case in which the respondents had admitted the claim of the applicant for payment of salary during the period from 27.10.86 to 27.1.1987. That is why he was forced to file an application in the Tribunal. The entitlement of the applicant to salary and allowances during the aforesaid period was adjudicated by the Tribunal in its judgement dated 31.1.90. In other words, the amount became due to him legally only on 31.1.90. The respondents paid the amount to him within the time stipulated in the judgement.

6. In the facts and circumstances of the case, the claim of the applicant is clearly barred by constructive res judicata (vide Workmen of Cochin Port Trust Vs. Board of Trustees, Cochin Port- AIR 1978 SC 1283). As the applicant has not established any prima facie case in support of his claim, the application is dismissed in limine. There will be no order as to costs.


(D.K.CHAKRAVORTY)
MEMBER 14/9/1990


(P.K.KARTHA)
VICE CHAIRMAN