

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

D.A. No. 1812/90

New Delhi, dated the 1st Sep., 1994

CORAM

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial)

Shri B.N.Prasad,
S/o Shri T.Chaudhri,
S.D.O. (Phones)
598 'Z' Timarpur, Delhi-7

... Applicant

(By Advocate Shri A.Kalia, proxy
counsel for Shri R.L. Sethi)

V/s

1. Union of India through the Secy.
Ministry of Communications,
Department of Telecommunications,
Darbar Bhawan, Sansad Marg, N/Delhi-1
2. The Director General,
Department of Communications,
(Telecom. Board)
Govt. of India, New Delhi.

... Respondents

(None for the respondents)

JUDGMENT (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

In this application, Shri B.N.Prasad, S.D.O. (Phones)
Department of Telecommunications (Telecom. Board) Govt. of India,
New Delhi has prayed for refund of recoveries made, consequent to a
penalty order which was subsequently set aside, and for penal
interest thereon, on amounts due from 11.8.89 i.e. the date from
which penalty order was set aside.

2. Shri Ashish Kalia appeared for the applicant and
stated that the respondents have made complete refund of all
the recoveries made, and the only point left now for adjudication
is the question of penal interest for the delayed refund.

3. None appeared for the respondents, but from their reply, it appears that after the penalty was set aside on appeal, the applicant's controlling officer was directed to take further action in the light of the Appellate order, but before the same could be implemented, the applicant was transferred to the jurisdiction of another controlling officer and his records were also to be transferred, and by the time the new controlling officer sought to implement the appellate order, the applicant was again transferred back to the jurisdiction of the first controlling officer. The Respondents, aver that this was the cause of delay in refunding the recoveries made.

4. We are not satisfied that these are sufficient grounds to explain the delay satisfactorily. Merely because the applicant was transferred from the jurisdiction of one controlling officer to another, is not adequate justification for delaying the refund of the recoveries. We understand from Shri Kalia that the total recovery made from the applicant was Rs 1440 (60 P.M. X 24 months) + 1075/- i.e. approximately Rs 2500/- and the delay was of 2 years. Accordingly, we direct the respondents to pay interest for the delay in making refund to the applicant at the rate of 10% P.A. i.e. Rs 500/- in all.

5. Respondents should pay this sum to the applicant within a period of three months from the date of receipt of a copy of this order, failing which they will have to pay interest @ 18% P.A. on Rs 500/- from that date till the date of actual payment. No costs.

~~Lakshmi Swaminathan~~
(Lakshmi Swaminathan)
Member (Judicial)

Adige
(S.R. Adige)
Member (Administrative)