

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2408/1990
T.A. No.

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DATE OF DECISION 09.08.1991.

<u>Shri Inder Singh & Another</u>	Petitioner
<u>Shri R.P. Oberoi</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India & Another</u>	Respondent
<u>Shri Dinesh Kumar</u>	Advocate for the Respondent(s)

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

The Hon'ble Mr. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicants are working in the Delhi Home Guards.

Applicant No.1 is Kot Incharge while Applicant No.2 is Naik Armourer. They had filed OA 543/87 in the Tribunal being aggrieved by the discontinuance of the special pay that was attached to the posts held by them and which was being paid to them till 31.3.1979. The special pay attached to the post held by applicant No.1 was Rs.20/- per month while the special pay attached to the post held by applicant No.2 was

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Rs.15/- per month. By judgment dated 21.2.1990, the Tribunal disposed of the application with the following directions:-

" Accordingly, we direct the respondents to proceed with the matter immediately and take a final decision as expeditiously as possible, at any rate not later than two months from the date of receipt of copy of this order. It is needless to add that in case the applicants are aggrieved by the decision or any part of it, it will be open to them to assail the same in appropriate proceedings".

2. The respondents have issued orders regarding release of arrears of special pay for the period of 1.4.79 to 31.12.85 @ Rs.20/- p.m. in respect of applicant No.1 and Rs.15/- p.m. in respect of applicant No.2. This order was not issued within the stipulated period and the applicants had to file a CCP for action against the respondents. The said CCP is registered as No.(138/90) and is still pending for final disposal. The applicants had been paid the arrears as sanctioned under letter dated 24.9.1990 in the first week of November, 1990. The applicants have stated that the special pay which was attached to the posts held by the applicants and was legally payable to them was stopped without any authority in an arbitrary manner and this resulted in considerable harassment to the applicants and has caused them financial loss by pursuing the matter for a period of nearly 11 years to get their legitimate dues. In the circumstances the respondents are liable to pay interest to the applicants on the amounts illegally withheld by the respondents.

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3. In the present application, the following relief has been sought:-

" The respondents be directed to pay to the applicants interest @ 18% p.a. on the annual amount of arrears due for the period 1.5.79 (the first monthly payment for April 1979 falling due on 1st May, 1979) in respect of applicant No.2 and from 1.9.1980 (date of appointment being 31.7.1980) in respect of applicant No.1 to 31.12.1985 and on the consolidated amount of arrears for the period ending 31.12.1985 to 31.10.1990 as the payment was made to the applicants in the first week of November, 1990. The rate of interest be made payable on compound rate of interest."

4. The respondents have stated in their counter-affidavit that the department in pursuance of the judgment of the Hon'ble Court had taken up the matter with the higher authorities concerned in the Delhi Administration and on account of procedural implications the order when received was immediately implemented by this Department.

5. We have carefully gone through the records of the case and have heard the learned counsel of both parties. In the order passed by the respondents on 24.9.1990, no reasons have been given for discontinuing the payment of special pay from

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1.4.1979 to 31.12.1985. The amount due to the applicant in this regard remained with the respondents all these years. It will, therefore, be fair and just to direct that the respondents shall pay to the applicants interest for withholding the amounts due to them for this period.

6. Accordingly, the application is disposed of with the direction to the respondents to pay simple interest at the rate of 12% per annum for the period from 1.9.1980 in the case of applicant No.1 and 1.5.1979 in the case of applicant No.2 to 31.10.1990. The respondents shall comply with the above directions within a period of two months from the date of receipt of this order.

There will be no order as to costs.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL) 9/8/91
MEMBER (A)

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9/8/91
(P.K. KARTHA)
VICE CHAIRMAN (J)