

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

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O.A. No. 553/90
T.A. No.

199

DATE OF DECISION 14.12.1990.

<u>Shri Mahesh Kumar Sharma</u>	Petitioner
<u>Shri B.B. Sharma</u>	Advocate for the Petitioner(s)
Versus	
<u>The Director of Education &</u>	Respondent
<u>Others</u>	
<u>Mrs. Avishi Ahlawat</u>	Advocate for the Respondent(s)

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

The Hon'ble Mr. D.K. CHAKRAVORTY, 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? *Yes*
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. D.K. Chakravorty,
Administrative Member)

The short point involved in the present case is whether the applicant is entitled to payment of interest at the current rate on the amount of salary to the tune of Rs.582/- for the period from 1.9.1987 to 8.9.1987, which has not been disbursed to him. The pleadings in the case are complete. We feel that the application could be disposed of at the admission stage itself and we proceed to do so.

2. The applicant is working as T.G.T. (Science) in the Directorate of Education, Delhi Administration. In September, 1987 he was working at Government Boys Senior Secondary School Kalyanpuri, Delhi. He was transferred to the School at

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Netaji Nagar and he joined there on 9.9.1987. In October, 1987, while his salary for the month of September, 1987 was not paid, the applicant inquired from the office as to the reason for non-payment. He was told that for want of Last Pay Certificate (LPC) from the former School, the payment has not been made to him. There has been some delay in the sending of the LPC from the old School.

2. The case of the respondents is that the delay involved was due to the non-submission of No Dues Certificate from the various School agencies like Library, Laboratory etc. The applicant had held various charges of the Library, Games, P.T.A. fund, Laboratory and Scout fund etc. and, therefore, a new No Dues Certificate had to be obtained and furnished to the Accountant before the issue of the LPC. The respondents have contended that the applicant did not furnish the No Dues Certificate. Some books had been issued in his name which had not been returned by him. He furnished the No Dues Certificate on 31.10.1987 and on the same day, the LPC was issued.

3. The version of the applicant is that he visited the old School several times but the attitude of the persons concerned were very unhelpful. He has alleged that the persons concerned were demanding from him a bottle of liquor for doing the needful in the matter.

✓ This has been denied by the respondents in their counter-affidavit.

4. On 12.2.1988, the respondents informed the applicant that his salary bill for the period from 1.9.1987 to 8.9.1987 amounting to Rs.582/- was under submission with PAO vide Bill dated 7.12.1987. The respondents have stated that though the salary bill was presented to the PAO in the first week of December, 1987 on account of the objections of the PAO, the cheque for the arrear bill could be drawn in the name of DDO only on 12.2.1988. After drawing the arrear bill, the applicant was informed through the office bearers of the School stating that he was required to come to the School and get his arrear money. The respondents have also stated that on 12.2.1988 when the applicant came to know that the arrear bill had been cleared, he stopped visiting the School. In the month of February, March and April, 1988, he was told that he should take his money but he did not do so. The respondents have also stated that on 22.10.1988, they sent Shri Autar Singh, Peon with arrear money to the applicant's ^{on} new School but that day, the applicant was on leave and consequently the payment could not be made to him. The applicant was, however, contacted and requested to receive the payment, but he refused to do so on the plea

that he will accept it only with the interest due on the amount. On 2.5.1989, the applicant went to the old School but he again refused to accept the arrear payment without interest. The applicant, has, however, denied the above averments.

5. The learned counsel of the applicant stated that the respondents were at fault in not paying the arrear of salary to the applicant in time and they are liable to pay interest upto date. As against this, the learned counsel of the respondents argued that the respondents were ready and willing to pay the arrear of salary to the applicant, but he deliberately avoided receiving the same. The learned counsel also relied upon the decision of the Supreme Court in Charan Singh Vs. M/s Birla Textile and Another, AIR 1988 SC 2022 in support of her contention that interest is not payable in a case where no notice had been given demanding interest.

6. The learned counsel of the applicant relied upon the decision of the Supreme Court in State of Kerela Vs. M. Padmanathan Nair, AIR 1985 SC 356. That case related to the non-payment of pension and gratuity within a reasonable period after the retirement of a Government servant.

7. We have carefully gone through the records of the case and have considered the rival contentions. In the

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instant case, there is no material on record to indicate that the time taken for drawl of the amount of arrear of salary for the period from 1.9.1987 to 8.9.1987 was unreasonable. On 12.2.1988, the amount was available with the respondents. After waiting for a reasonable period for the applicant to go and collect the same, the respondents should have send the amount to the applicant's new School or in the alternative, they should have remitted the amount to him by money order after deducting the money order commission from the principal amount. There is no explanation as to why the respondents did not resort to either of the above mentioned courses. The applicant is still in service. In the facts and circumstances of the case, we do not consider it appropriate to award any interest on the amount due to the applicant. The reason is that the respondents would not have invested such a small amount and earned any interest thereon. We, therefore, hold that the respondents are not liable to pay interest to the applicant on the sum of Rs.582/- due to him. The respondents may send the said sum to the Principal of the new School where the applicant is working with the direction that it should be disbursed to him in the alternative, they will be at liberty to remit the said sum to the applicant by money order. If this is done, the respondents should bear the money order charges

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to be incurred.

8. Before parting with this case, we feel that the respondents should not have contested in a matter like this where the amount involved is very small and undisputed and the expenses incurred in contesting the matter could have been avoided in public interest.

9. The application is disposed of with the above directions. There will be no order as to costs.

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(D.K. CHAKRAVORTY)

MEMBER (A) 14/12/1990

Carried
14/12/1990
(P.K. KARTHA)
VICE CHAIRMAN (J)