

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

D.A. 1397/91.

DATE OF DECISION: 07.5.1993.

Smt. Swaran Rani.

... Petitioner.

Versus

Delhi Administration & Anr.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioner.

... Shri B.J. Malvania,
Counsel.

For the Respondents.

... Ms Geeta Luthra, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice S.K. Dhaon,
Vice Chairman)

A number of reliefs have been claimed in this application. However, the counsel for the petitioner has confined his submission only to the payment of interest on account of delayed payments to the petitioner.

2. A reply has been filed on behalf of the respondents. Counsel for the parties have been heard.

3. The first contention is that under the law the petitioner's case for crossing the efficiency bar should have been considered in the year 1980 but orders were passed for the first time in the year 1984 and, therefore, the respondents are liable to pay interest on the arrears of the increments in the year 1980. The petitioner became entitled to certain payments only after crossing the efficiency bar in the year 1984. Therefore, if there was an inordinate delay from 1984 onwards, the question of payment of interest would arise. In substance, the petitioner is claiming damages from the respondents on account of inaction on their part between 1980 and 1984. This is not permissible in the present application.

(S)

4. The second contention is that the petitioner is entitled to the payment of interest as there was delay in payment of pension and DCRG. According to the respondents, the petitioner was called upon to submit her papers soon after 24.7.1989 when orders were passed for making her necessary payments as she was due to retire on 31.10.1989. However, the petitioner submitted complete pension papers on 10.9.1990. Thereafter, payment was made within a period of six weeks. In these circumstances, we are not inclined to grant any interest on this ground.

5. The third ground upon which the interest is sought is that the petitioner was paid the leave encashment due after a lapse of period of seven months. No satisfactory explanation is coming forward in the counter affidavit to explain this delay. Therefore, a case is made out to award interest on this ground. The petitioner shall, therefore, get interest @ 12% per annum on the amount paid to her towards the leave encashment. This interest would be calculated from the expiry of six weeks from 31.10.1989. The respondents shall calculate and pay the same within a period of one month from the date of presentation of a certified copy of this order to the relevant competent authority by the petitioner.

6. With these observations, this application is disposed of.
No costs.

Adige
(S.R. ADIGE)
MEMBERA()

Guy
(S.K. DHAON)
VICE CHAIRMAN (J)

'SRD'
070593