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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * *

O.A. NO. 718/91

8.7.1992

Shri K.K. Aggarwal

...Applicant

vs.

Union of India & Ors.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Sh. Sunil Kumar Sharma

For the Respondents

...None

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporters or not? No

JUDGEMENT (ORAL)

The applicant of this application, has filed an earlier application-OA 1108/1988 wherein he sought pay and allowances in the rank of Executive Engineer w.e.f. 13.1.1975 till the date of superannuation, 30.6.1978 and pensionary benefits thereafter. This application was disposed of by the Single Bench on 24.5.1989 with the direction to the respondents to recalculate the amount of payment due to the applicant and make the payment within a period of six months from the date of receipt of a copy of that order. By that judgement, he was granted all arrears of pensionary benefits including pension and gratuity and encashment of earned leave etc.

It appears that subsequently the respondents moved MP 2600/89 through their counsel whereby they sought extension of time of three months for complying with the directions in the

judgement dt.24.5.1989. This MP was allowed by the order dt.24.11.1989 granting three months' more time which expired on 28.2.1990. The grievance of the applicant is that since the respondents have deliberately withheld the payment which was directed to be paid to him by the judgement in OA 1108/88 and since in a subsequent MP, they have themselves sought three months' more time to make the payment, so on the principles of natural justice and equity, the applicant is liable to interest on the delayed payment which actually should have been effected on 4.10.1990.

2. The respondents were given a number of opportunities in this matter, but no reply has been filed. Considering all the matters and on the basis of the pleadings on record, the respondents could not show that the applicant has contributed towards delay in effecting payment by virtue of the final direction issued in OA 1108/88 by the order dt.24.5.89. Interest is normally in the discretion of the court and it has to be exercised judicially. The interest is to compensate as the applicant has been put to a disadvantageous loss by not being paid the amount in time. He has come before the Tribunal for an action for redress of the grievance which has arisen out of non action of the respondents within the stipulated time which was ultimately agreed to by the respondents themselves in the MP 2600/89. In these circumstances, the applicant cannot be denied the interest at the usual rate.

3. The application is, therefore, disposed of at the

admission stage itself with the direction to the respondents to calculate interest @ 10% p.a. on the delayed payment of the amount for the period from 28.2.1990 till 3.10.1990 and the direction be complied by the respondents, preferably within a period of three months from the date of communication of this order. In the circumstances, the parties shall bear their own costs.

J.P. Sharma
(J.P. SHARMA) 8/7/92
MEMBER (J)
8.7.1992

AKS