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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 739/91

DECIDED ON : 18.5.93

Shiv Rattan Gupta ... Applicant

Vs.

Director of Education & Ors. ... Respondents

COURT :

THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Shri Arvind Kumar Gupta, Attorney for the Legal Representative of the deceased Applicant

Mrs. Veena Kalra, Proxy Counsel for Mrs. Avnish Ahlawat, Counsel for the Respondents

JUDGMENT

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

Shri Shiv Rattan Gupta who retired as Principal, Government Boys Senior Secondary School, Pataudi House, Daryaganj, New Delhi expired on 26.1.1992 and the application is pursued by the attorney of his legal representatives, Shri Arvind Kumar Gupta. Before his retirement he filed writ petition No. 1005/80 before the High Court for the grievance that he was granted selection grade in the Trained Graduate Teacher's (TGT) level w.e.f. 1.1.1973 instead of 5.9.1971 and that his confirmation as Post Graduate Teacher (PGT) should not be effective from 1.4.1968 but from the date after his promotion to the selection grade of TGT on 5.9.1971. This writ petition stood transferred to the Tribunal and registered as T-646/85 and was decided vide order dated 30.4.1986 with the direction that "the petitioner should be given notional promotion to the selection grade of TGT with effect from 5.9.1971 together with all consequential benefits." The respondents understood the order

in the sense that by ordering notional promotion to the selection grade the applicant will not be entitled to any monetary benefits but only other consequential benefits of seniority, promotion etc. only. As such initially arrears of pay and allowances were not paid to the applicant of T-646/85. Subsequently the matter was referred to the law department where an opinion was given that arrears of salary w.e.f. 5.9.1971 be also given to Shri Gupta and he was paid a sum of Rs.10558/- towards arrears of selection grade on 10.9.1990. MP-293/90 was moved in TA-646/85. This M.P. was moved by the deceased employee himself wherein he stated that he had received a cheque of Rs.10558/- but had not been paid the interest because there has been a delay in payment of arrears due to him on account of revision of the date of selection grade w.e.f. 5.9.1971. In that M.P. also decided by the Principal Bench it is observed that "Though the judgment is silent on the question of payment of interest, it has been stated in the operative part that he will be entitled to all consequential benefits." The judgment under reference is in TA-646/85 decided on 30.4.1986. In the above M.P. also the Bench also observed that "We do not express any opinion about his entitlement to interest on account of delayed payment." However, an observation was made that "if he feels aggrieved, he will be at liberty to file a fresh application in the Tribunal in accordance with law." It is on account of this that the present application has been filed by the applicant.

2. We have heard the attorney for the legal representatives of the deceased applicant who argued that there is failure of the respondents to implement the judgment of the Tribunal in T-646/85. The payment of arrears of selection grade was made in the court on 10.9.1990. It is, therefore, prayed

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that the respondents be directed to pay interest on the arrears of selection grade from 5.9.1971 to 10.9.1990 as per calculation sheet attached and the suitable compensation be awarded. Learned counsel for the respondents opposed the grant of interest on the ground that also the Hon'ble Supreme Court in the judgment reported in JT 1988 (3) 579 - Charan Singh vs. M/s Birla Textiles & Anr., no interest can be given if no provision is there in the Act for payment of interest. It was further argued by the learned counsel for the respondents that the delay in payment of the arrears of selection grade was because of the understanding of the judgment wherein late Shri Gupta was only entitled for notional promotion with consequential benefits. So the bill for the arrears of salary was not prepared. It was only when the law department gave the advice that the payment of Rs.10,558/- was made. In view of this fact, the learned counsel for the respondents argued that there are no administrative lapses and the present application is misconceived.

3. We have considered the matter in the circumstances of the case and find that the claim for interest by the legal representatives of the deceased applicant is not justified. The present application is, therefore, dismissed leaving the parties to bear their own costs.

Arfage
(S. R. Adige)
Member (A)

J. P. Sharma
18.3.93
(J. P. Sharma)
Member (J)

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