

Central Administrative Tribunal
Principal Bench

OA-1245/2004

New Delhi this the 16th day of February, 2005.

Hon'ble Shri Shanker Raju, Member(J)

Smt. Sushila Singh,
W/o Sh. N.S. Arya,
R/o 1449/34C, Street No. 10,
Durgapuri, Delhi-93.

..... Applicant

(through Mrs. Meenu Mainee, Advocate)

Versus

Government of National Capital
Territory, Delhi through

1. The Chief Secretary,
Government of NCT of Delhi,
5, Sham Nath Marg,
Delhi.
2. Director of Education,
Government of NCT of Delhi,
Old Secretariat,
Civil Lines,
Delhi.
3. The Principal,
Govt. Sarvodaya Kanya Vidyalaya No.1,
Mansarovar Park,
Delhi-32.

..... Respondent

(through Sh. George Paracken, Advocate)

O R D E R

Applicant seeks interest on the amount of Rs. 1,66,485/- @ 12% P.A. from

March 1998 till the date of payment i.e. 5.1.2004.

2. Applicant, a Trained Graduate Teacher with the Government of Rajasthan, was taken on deputation in the Directorate of Education in 1994. She joined the Delhi Government in the pay scale of Rs. 1400-2600/- . During the deputation, she was accorded selection scale of Rs. 2000-3200/- by the Rajasthan Government w.e.f. 24.12.1995, the replacement scale of which was Rs. 6500-10500/- . Accordingly, the Principal/DDO fixed the pay of the applicant, as per recommendations of the Fifth Central Pay Commission, in the scale of Rs. 6500-10500/- .

3. The applicant had filed OA-1204/2001 seeking entitlement to the pay scale of Rs. 7500-12000/- and the same was rejected by this Tribunal on 5.3.2002.

4. Despite several representations, arrears were not paid and ultimately a cheque was sent to the applicant on 5.1.2004 after deducting the amount towards income tax .

5. Learned counsel of the applicant states that applicant was entitled to the pay scale of Rs. 6500-10500/- from 1.1.1996 and the delay in paying the arrears is attributable to the respondents. An explanation given is that Bill No.256 dated 15.3.2001 was submitted to the PAO on 15.3.2001 itself but the amount was paid on 5.1.2004. Learned counsel further states that though juniors had been paid the amount in April 1998, which is invidious discrimination.

6. On the other hand, respondents' counsel in their reply contended that O.A. filed by the applicant to fix his pay in the scale of Rs. 7500-12000/- was rejected on 5.3.2002 by the Tribunal. Though the order was received and a bill was prepared by the PAO on 15.3.2001, the same was lost. However, the same was reconstructed on 30.4.2003 and presented to PAO on 11.11.2003. A sum of Rs. 1,66,485/- was paid to the applicant after deducting the income tax. However, in

calculating the arrears, over payment of Rs. 89,000/- was made which is being separately recovered.

7. Learned counsel for respondents Sh. George Paracken stated that there is no provision for grant of interest in making payment of dues to government servants ^{including} the retiral benefits.

8. I have carefully considered the rival contentions of the parties and perused the material placed on record.

9. It is trite law that the delay in making payment of the due to the government servant entails interest. It is not always necessary ^{that} for grant of interest on every thing, ^{as} has to be recovered by a rule. It is a common principle that whenever the payment is delayed, if it is not attributable to the individual concerned, the disbursing authority is obligated to pay the interest.

10. In this backdrop that the applicant, who was on deputation, was to be accorded the benefit of pay scale of Rs. 6500-10500/- as per Fifth Central Pay Commission, which has been granted to her counterparts in 1998 but the same has been withheld without any reasonable basis. The contention of the respondents that this has been delayed due to pending case of the applicant is misconceived as nothing precluded the respondents to disburse the payment in 1998 itself and the result of the OA should have taken its own course.

11. I also find that a bill was prepared on 15.3.2001 and was not processed till 30.4.2003. On reconstruction also, the department took almost two years to disburse the amount to the applicant. I do not find any delay, in payment of arrears to the applicant, attributable to him. The delay is unexplained and has not been justified. The only justification given lacks logic.

13. In the result, O.A. is allowed. Respondents are directed to pay an interest at the rate of 10% on the amount of Rs. 1,66,485/- from March 1998 till it has

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4

actually been paid to the applicant i.e. 5.1.2004, within one month from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member(J)
16/2/05

2
/vv/