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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.533/2004

New Delhi this the 22nd day of December, 2004.

HON'BLE MR. SHANKER RAJU, MEMBER (J)

P.K. Sarin,
S/o Shri S.N. Sarin,
492/KG-I,
Vikas Puri,
New Delhi.

-Applicant

(Applicant in person)

-Versus-

1. Union of India through
its Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. Director General of Works,
C.P.W.D., Nirman Bhawan,
New Delhi.
3. Chief Engineer, N.D.Z.-IV,
East Block-I, Level-3,
R.K. Puram,
New Delhi.

-Respondents

(By Advocate Shri S.K. Gupta)

O R D E R

This OA is directed against respondents' order dated 28.1.2004, rejecting his request for interest on delayed payment of arrears of pay.

2. Earlier, applicant had approached this Court in OA-1631/2001, wherein by an order dated 18.12.2001 his request for interest was directed to be disposed of on a representation.

3. Applicant joined the Department after acquittal in the criminal case and was working as Assistant Engineer (P). Arrears of payment for the period February, 2003 to May, 2003 were paid to applicant only on 22.8.2003. On seeking interest the request having been rejected, gives rise to the present OA.

4. Applicant appeared in person and contended that the delay is attributable to respondents, as he has no role to play. He has already filled up the income tax form and vide order dated 1.4.2003 he has been treated to be posted on a vacant post. It is contended by applicant that there is no requirement of payment of tax on the salary, as respondents are duty bound to deduct income tax as per the record. There is no requirement to submit income tax calculations. He has never been directed to complete such an exercise. It is further stated that earlier on his DA in OA-1631/2001 interest was allowed to him.

5. Respondents' counsel denied the averments and stated that arrears bills of payment of arrears were prepared on 6.6.2003 and were sent to PAO, which were returned as income tax was not paid and on re-tendering were passed on 28.2.2003. Shri S.K. Gupta, learned counsel stated that applicant joined the office on 18.3.2003. Earlier he was under suspension and when last pay certificate was received regularising the period from 4.2.2003 to 17.3.2003 the pay became due. As applicant had come on transfer and was under suspension for more than 10 years the papers were to be verified. As applicant has failed to submit the income tax calculations the arrears were finally paid on 28.2.2003.



6. Shri Gupta further stated that there are no rules for serving government servants to permit payment of interest on the delayed payments.

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

8. Applicant had joined on 18.3.2003 and on 25.3.2003 though it is not incumbent upon him to tender an account for calculation for the purpose of income tax and this has to be deducted at source, yet applicant filed the statement where no income tax was to be levied. Despite this the authorities have not released his payment which was due to him in February and May, 2003 as well and was issued only in August, 2003. This delay had not been shown to be in any manner attributed to applicant. Accordingly, depriving applicant of his legitimate dues at an appropriate time and delaying the payment though does not entail any interest as per Rule 68 of the Pension Rules, which talks of only retiral benefits, yet Government is not absolved from paying interest against the aforesaid delay which has taken place at their end without any justified explanation. The order rejecting the request for interest is issued with a close mind, without passing a speaking order. I am fortified in my view by the decisions of the Apex Court in **Vijay L. Mehrotra v. State of U.P**, AIR 2000 SC 3513 and **Dr. L.P. Aggarwal v. Union of India**, AIR 1980 SC 1773.

9. In the result, for the foregoing reasons, OA is partly allowed. Impugned orders are quashed. Respondents are directed to pay simple interest at the rate of 6% per annum on the delayed payment of pay arrears paid to applicant in August, 2003, computing it from

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March, 2003 till then it is actually paid in August, 2003. This shall be done within a period of two months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

'San.'

22/12/04