

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.849/2004

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

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

K.K. Jha,
UDC (P&C Unit),
DGS&D,
New Delhi.

-Applicant

(By Advocate Shri B.K. Dass)

-Versus-

1. Union of India,
Ministry of Commerce and
Industry (Supply Division),
Nirman Bhawan,
New Delhi through its Secretary.

2. Department of Commerce (Supply Division),
Directorate General of Supplies & Disposals,
Parliament Street, New Delhi-01
Through its Director General (S&D)

-Respondents

(By Advocate Shri D.S. Mahendru)

O R D E R

Mr. Shanker Raju, Hon'ble Member (J):

Applicant impugns respondents' order dated 9.12.2003, whereby his request for interest on fixation of pay scale and arrears w.e.f. 18.8.2000 to 19.5.2003 has been rejected.

2. Applicant was appointed as LDC in 1985 and was allowed to continue as Junior Hindi Translator (JHT, for short) on ad hoc basis with fixation of pay at Rs.5000/- on 1.1.196. Applicant remained on medical leave and was imposed a minor penalty by reducing the pay at the minimum of the pay scale at Rs.3050/- for a period of three years. On appeal the pay was fixed at Rs.4000/- for the penalty period from 18.8.2000 to 19.5.2003. Ultimately, applicant was paid an amount of Rs.50,912/- on 20.5.2003. Applicant,

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through his representation requested for interest at the rate of 24% on the arrears from 18.8.2000 to 19.5.2003, which was rejected, giving rise to the present OA.

3. Learned counsel for applicant contended that applicant was sent back on the post of LDC illegally in violation of DoPT OM dated 24.12.86, which prescribes that there is no need to revert a person who has been holding a post on ad-hoc basis for more than a year even after issue of a charge-sheet. It was also contended that it was not legal on the part of the respondents to send back applicant from the post of JHT, as applicant continued on the said post during the period of deputation as per order dated 22.2.96

4. Applicant contends that though he was promoted on deputation by the parent department as UDC, the same has not been brought to his notice. Accordingly, others were accorded the benefit which was deprived to applicant and paid belatedly; without any reasonable explanation for delay interest is admissible on the amount.

5. Respondents, on the other hand, have vehemently opposed the contentions and filed their additional affidavit, wherein it is stated that the next below rule (NBR) was applied and applicant who joined on deputation as JHT in the pay scale of Rs.5000-8000 on 21.10.97 was drawing pay at Rs.5150/- in the revised pay scale. Applicant who on deputation has been permitted to go to his native place during the period 30.4.99 to 2.5.99 had applied for extension of leave on medical grounds till 30.6.99. As applicant was approved for regular promotion in the grade of UDC in the pay scale of Rs.4000-6000 in his own cadre w.e.f. 23.4.99, but before his joining report could be obtained and he could be allowed benefit of promotion he started absenting himself. The select list for the year 1997 was issued on 23.4.99. The joining report of other five regular LDCs as UDCs who were included in the select list was forwarded on 24.5.99. Applicant on leave had not joined

duty till 1.7.99 and had remained absent till 18.6.2000. Various communications sent to his address remained unresponded and on publication of notice in the Newspaper he joined on completion of deputation period. He was repatriated vide order dated 20.10.99. On his joining duty on 19.6.2000 a minor penalty was imposed, which, on appeal was modified.

6. In the above backdrop it is stated that as no joining report was forwarded by applicant as UDC, on representation preferred against the appellate order to the President on 5.3.2001, where he has raised the issue of his proforma promotion the representation was forwarded to the cadre controlling authority and in consultation with DoPT and CSCS the benefit of proforma promotion notionally was accorded to applicant on 23.4.99 under the provisions of NBR vide order dated 8.10.2002 and payment was made of the arrears to applicant on 16.5.2003 the delay in promotion and grant of benefit is solely attributable to applicant because of his absence.

7. I have carefully considered the rival contentions of the parties and perused the material on record. In my considered view though applicant remained absent, yet in response to the Newspaper notice on his repatriation he joined duty on 19.6.2000. Thereupon, applicant should have been allowed to join as UDC and arrears would have been paid. The payment of the arrears in May, 2003 vide office order No.49 dated 25.8.2003 is without any reasonable basis. There is no explanation of the delay come-forth either. Accordingly, denial of interest cannot be countenanced. As such OA is partly allowed. The impugned order is set aside. Respondents are directed to pay interest at the rate of 10% simple on the amount of Rs.50,912/- to applicant from 18.8.2000 till 19.5.2003, within a period of one month from the date of receipt of a copy of this order. No costs.

(Shanker Raju)
Member (J)

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