

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

OA.No.1918 of 1992.

Dated New Delhi, this 29th day of July, 1997.

(6)

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

I. D. Saini
S/o Shri L. S. Saini
R/o WZ-146, Palam Village
NEW DELHI-110045.

... Applicant

None for applicant.

versus

1. The Secretary to the Govt. of India
in the Ministry of Defence
Ministry of Defence
South Block
NEW DELHI-110011.

2. The Scientific Adviser to the
Minister of Defence & Director General
Research & Development,
Ministry of Defence (R&D Orgn.)
South Block
NEW DELHI-110011.

3. The Director
Solid State Physics Laboratory
Ministry of Defence (DRDO)
Lucknow Road
DELHI-110054.

... Respondents

By Advocate: Shri S. M. Arif

O R D E R (Oral)

Smt. Lakshmi Swaminathan, M(J)

This is an old case. We have, therefore,
perused the pleadings and heard Shri S. M. Arif,
learned counsel for respondents.

2. The main relief claimed by the applicant in
this — application is for the payment of pay

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and allowances for the period 9.11.78 to 30.1.81 , when he was actually promoted. The applicant also claims interest at 18% p.a. on the delayed payment of pay and allowances and for any other relief as deem fit by the Tribunal.

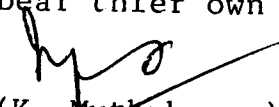
3. The learned counsel for the respondents has submitted that by the order dated 28.4.92 the respondents have already promoted the applicant to the post of Stenographer Grade-II with effect from 9.11.78 in the pay scale of Rs.425-700. He has also submitted that the payment of pay and allowances for the intervening period has also been paid to the applicant. In the rejoinder, the applicant has stated that out of the three reliefs claimed in the application, two are still to be decided by the Tribunal. He has reiterated his prayer for the payment of interest on the delayed payments. He has also stated that there has been lapse on the part of the respondents in releasing the payment with effect from 9.11.78 and his payment is still pending with DCDA(R&D). In the final paragraph of the rejoinder, the applicant has re- reiterated his prayer for interest as being legally justified in view of the delay in payment attributable to the administrative lapses.


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4. We have carefully considered the records and the submissions made by the learned counsel for the respondents. From the available records it appears that the respondents have made the payments of pay and allowances to the applicant for the period 9.11.78 to 29.1.81 when the applicant was promoted to Stenographer Grade-II, although admittedly there has been some delay in the payment. However, the learned counsel for the respondents could not confirm the actual date of payment. In the circumstances, we direct that in case the amount which was said to be under objection and pending with DCDA(R&D) has not been paid, the same shall be released to the applicant within one month from the date of receipt of a copy of this order. In that event, the applicant shall be entitled to interest of 12% per annum from the date of filing the OA till the date of actual payment. In case the amount has already been paid as stated by the respondents, taking into account the facts of the case, the prayer for interest of 18% on the delayed payment already made, is rejected.

5. The OA is disposed of as above. Parties to bear thier own costs.


(K. Muthukumar)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

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