

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 3128/92
T.A. No.

199

DATE OF DECISION 13-9-93

Shri A.C.Arora **Petitioner**
Shri Randhir Jain **Advocate for the Petitioner(s)**

Versus

Union of India **Respondent**
2.Govt. of Arunachal Pradesh.

Shri N.S.Mehta.. **Advocate for the Respondent(s)**

CORAM

The Hon'ble Mr. N.V.KRISHNAN, Vice Chairman (A).

The Hon'ble Mr. C.J.Roy, Member (Judicial).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT (ORAL)

(Hon'ble Shri N.V.Krishnan, Vice Chairman (A))

Present: Shri Randhir Jain counsel for the applicant.

Shri NS Mehta for Resp. No.1.

None for Respondent No.2- the Govt. of Arunachal Pradesh though served.

Heard the Counsel and record seen. The

applicant has filed this O.A. seeking the following reliefs:-

- (i) quash the impugned order No.14040/10/UTS dated 8-3-1990 of Respondent No.1 and direct the respondents to pay full emoluments of the applicant; alternatively;
- (ii) direct the respondents to make payment to the applicant as per above order dated 8-3-90 together with interest at the rate of 18% per annum from the date of amounts became due.

2. Today when the case was taken up for final hearing

the learned counsel for the applicant drew our
s (An 12)
attention to the order dated 8-3-90 issued by the
Govt. of India, Ministry of Home Affairs, wherein
the following orders were passed:-

"After careful consideration of the case,
the President is of the view that the
proposed decision to give him 95% of his
pay and allowance during the period from
8-11-63 to 30-7-67 and that the said
period be counted for the purpose of
pension only would meet the ends of justice..

Now, therefore, the President orders
that Shri A.C.Arora be paid 95% of his pay
and allowances during the period of his
absence from 8-11-63 to 30-7-67 and that
the said period be treated for the purpose
of pension only and orders accordingly."

The applicant is aggrieved by the fact that the
payment by 95% of pay and allowances has not been
made and hence has filed this application.

3. The learned counsel for the applicant did not
press the prayer at Sl.No.1. He claims that there
is considerable delay in payment to the applicant
prayed
and that be paid with interest.

4. Shri NS Mehta learned counsel for the Respondent
No.1 submitted that the Resp. No.1 (Govt. of India)
has no further concern in this matter as the payment
is to be made by the Govt. of Arunachal Pradesh.

5. The Govt. of Arunachal Pradesh has not represented
before us though notice of the D.A. has been served
on them. In fact, the learned counsel for applicant
has produced before us a copy of letter No.AGRI/E-19/
75(PT-II) dated 28-6-93 addressed by the Directorate
of Agriculture, Govt. of Arunachal Pradesh to the
Accountant General, Meghalaya, Mizoram and Arunachal
Pradesh in which a reference has been made to the fact
that the applicant has moved this Tribunal for
enforcing this payment.

6. In the circumstances, we are of the view that
the applicant is clearly entitled to the payment by

the Govt. of Arunachal Pradesh as mentioned in the order dated 8-3-90 of the President of India (An.6) extracts of which have been reproduced above. We also notice that the pension papers had been moved on 23-8-80 i.e. after the order of the President at An.6. In the circumstances we are of the view that the applicant is also entitled to the payment of interest due to delayed payment. Normally this matter should not have been taken so much time and we are of the view that this should have been settled latest by the end of 1990.

In the circumstances we allow this application and direct the second respondent to make payment of 95% of the pay and allowances for the period from 8-11-1963 to 30-7-1967 within a period of three months from the date of receipt of this order alongwith interest at 12% from 1-1-1991 till it is actually paid. The application is allowed as above.

There will be no orders as to costs.

msb
(C.J.ROY)
Member (Judicial)

N.V.KRISHNAN
13.PP3
(N.V.KRISHNAN)
Vice Chairman(A)