

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A.No. 839/92

Date of Decision: 03-04-92

Balkishan

.. Applicant(s)

A.S. Grewal

.. Counsel for the applicants

Vs

Commission of Police, Delhi and
others

.. Respondents

None present

.. Counsel for respondent(s)

CORAM

Hon'ble Mr. S.P. Mukerji - Vice Chairman

~~Hon'ble Mr.~~

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?

J U D G M E N T

(Delivered by Hon'ble Mr. S.P. Mukerji , Vice Chairman)

In this application filed on 25.3.92 under Section 19 of the Administrative Tribunals Act, the applicant who has been working as a Sub Inspector of Delhi Police has prayed that market rate of interest on the amount of Rs. 1,13,353 which had been withheld for a period of one year and four months should be paid to him.

2. The brief facts of the case as revealed from the application are as follows. The applicant was placed under suspension by the order dated 15.11.84 and was kept under suspension for a period of one year and nine months without any departmental enquiry. On 2.6.89 a regular departmental enquiry was ordered. He retired from Police Service on 31.7.90 when he was sanctioned ~~with~~ a provisional pension but his gratuity was withheld. According to the applicant he ^{had} moved the

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Tribunal in O.A.1607/90 and the department was directed ^{by the Tribunal} to pay the full pension and gratuity to the applicant and this order was implemented on 1.11.91. The applicant is claiming market rate of interest for delayed payment of the provisional pension and gratuity which was released on 1.11.91 instead of 31.7.90. From the suspension order it appears that the applicant was placed under suspension in connection with the riots of the year 1984 when a large number of persons were killed. It cannot, therefore, be presumed that the order of suspension was fully unwarranted. Further the applicant while moving the Tribunal in O.A.1607/90 should have claimed the interest also on delayed payment and to that extent his claim in this application is barred by the principle of ^{constructive} res judicata. The order at Annexure-8 dated 2.6.89 was quashed by the Additional C.P. on 25.9.91 and the payment of dues was made on 1.11.91. It cannot be said that there has been any delay in the payment of dues after the enquiry was closed.

3. In the above circumstances, I find no force in the application and dismiss the same under Section 19(3) of the Administrative Tribunals Act. There will be no order as to costs.

S.P. Mukerji
3.4.92
(S.P. MUKERJI)
VICE CHAIRMAN
03-04-92

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