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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.941/93

New Delhi, this the 20th day of January, 1994.

SHRI J.P.SHARMA, MEMBER(J).

Shri J.B.Gupta,  
son of Shri Inder Nath Gupta,  
resident of B-3/66, Ashok Vihar,  
Phase-II, Delhi-110052,

working as P.G.T. (Commerce),  
Govt. Boys Sr. Sec. School,  
Roop Nagar, Delhi.

...Applicant

(By advocate: Shri R.L.Sethi)

VERSUS

1. Union of India, through  
The Director of Education,  
Old Secretariat, Delhi.

2. The Deputy Director of Education,  
Distt. North, Lucknow Road,  
New Delhi-110007

3. The Principal,  
Govt. Boys Sr. Sec. School,  
Roop Nagar,  
Delhi-110007.

...Respondents

(By advocate: Shri M.K.Giri)

O R D E R (ORAL)

The applicant is working as PGT (Commerce) in Government Boys Senior Secondary School No.1, Roop Nagar, Delhi. The grievance of the applicant is that the respondents have wrongly withheld the payment of the arrears of salary due to him on account of increments to be granted regularly after 1-1-87. He prayed for the grant of the reliefs that the arrears amounting to Rs.11,566 which were already sanctioned be directed to be paid to the applicant along with penal interest on delayed payment till actually made.

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2. A notice was issued to the respondents who contested the application and stated in the reply that after the filing of this application, a payment has been made of Rs.9,264 on 26-10-93 and that was the only amount which fell in arrears after crossing E.B. and award of the applicant. Thus, there has been no delay in payment.

3. The applicant has also filed a rejoinder in which he has stated that his scale of pay is Rs.1640-60-2000-EB-60-2360-EB-60-2600-75-2750-EB-75-2950. He stated that he got his salary with increment upto 1-1-87 and his salary at that time was Rs.2,750. He was, however, to cross E.B. on 1-1-88. The bills were officially prepared in August, 1991 for Rs.11,566 but due to the mala fide act of the Principal, the said amount was delayed and has been paid in October, 1993. So, the prayer for interest be allowed.

4. I heard the learned counsel for the parties at length. The arguments had already been heard earlier when Shri Ashish Kalia appeared. Today, learned counsel Shri R.L.Sethi desired an adjournment on the ground of illness. However, since it was a part-heard matter and he has very much come to the court, the ground for adjournment was not found sufficient. He also agreed to argue the matter and the arguments have been heard.

5. The departmental <sup>file</sup> inquiry has been produced by the counsel for the respondents which go to show that the matter of crossing of EB of the applicant was considered by the DPC and by its recommendations dated

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21-9-93, the applicant has been allowed to cross the EB from due date, i.e., 1-1-88. The applicant has been paid the amount of the arrears of increments on 26-10-93 and the counsel for the respondents Shri M.K. Giri gave a statement at the Bar that certain statutory deductions were made from the gross amount and net amount of Rs.9,264 was paid to the applicant. The learned counsel for the applicant, therefore, does not question this calculation.

6. He emphatically forced his arguments that the Principal of the institution has shelved the matter of crossing of EB for a long period and there is a delay in payment. The argument appears plausible but the learned counsel for the applicant himself during the course of the arguments referred to a departmental inquiry initiated against the applicant in May, 1984 which was finally decided in a punishment of deferring of two increments in May, 1988. He also stated that that punishment order has been challenged separately in another application.

7. In view of these facts, I don't see that there is any administrative lapse on the part of the respondents in making delay in payment. The interest is not a right but only can be given if the applicant has been put in a disadvantageous position due to an administrative lapse. That is not the case here.

8. In view of these facts, the application has no

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merit and is dismissed, leaving the parties to bear their own costs.

*J.P. Sharma*

( J.P.SHARMA )  
MEMBER(J)

'Kalra'  
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