

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 16th day of January 1998.

Hon'ble Mr. S. Dayal, Administrative Member.

Original Application No. 836 of 1996.

Surendra Nath Jaisawal,
S/o Late Shri B.L. Jaisawal,
R/o 239, Atta-rsuiya,
Bhagwatböh Allahabad.

... Applicant

C/A Shri S.K. Jaisawal

Vs.

1. Union of India through the Director General, Archaeological Survey of India, Janpath, New Delhi.
2. The Director, Cultural Affairs, U.P. (Antiquities and Art Treasure) 9th Floor, Jawahar Bhawan, Lucknow.
3. Senior Treasury Officer, Lucknow.
4. Accountant General, Uttar Pradesh, Allahabad.

... Respondents.

C/R Sri N.B. Singh
Sri A.K. Gaur

ORDER

Hon'ble Mr. S. Dayal, Member-A.

This is an application under Section 19 of Administrative Tribunals Act, 1983-

2. The applicant seeks the following reliefs in this application:

- (i) A direction to Respondent no 2 to make payment of amount deposited by the applicant in Compulsory deposit scheme and which has become Rs 30,500 at the time of filing the application in July 1996.
- (ii) A direction to Respondent no 2 to pay damages for the loss and inconvenience caused to the applicant.
- (iii) A direction to the Respondent to pay the cost of this application.

3. The facts as given in the application are that the applicant joined the Archaeological Survey of India as Technical Assistant in 1961 and rose to the post of Deputy Superintending Archaeologist, Lucknow in the Archaeological Survey before he retired on 31.1.76. The applicant joined the office of the Director, Cultural Affairs (Antiquities and Art Treasures) under the State Government of Uttar Pradesh in August 1976 and he worked on this post till April, 1977 before reverting to his parent department. When he went on deputation to the office of the Director, Cultural Affairs, an amount of Rs. 1752 standing to his credit in his Compulsory Deposit Scheme was transferred by the Archaeological Survey of India to the Director, Cultural Affairs. This amount had been deducted from his salary from October 1974 to July, 1976. This amount was sent by the Archaeological Survey of India to the Directorate of Cultural Affairs of Uttar Pradesh Government by a Bank Draft which was deposited in Lucknow Treasury in November, 1976 by the Directorate of Cultural Affairs. The applicant claims that in spite of a number of representations made by him, the Director, Cultural Affairs, Government of Uttar Pradesh, and the Accountant General of Uttar Pradesh have not made the payment of amount wrongly deposited under Compulsory Deposit Scheme, Central instead of Compulsory Deposit Scheme, Provincial.

4. The arguments of Shri S. K. Jaiswal for the applicant and Shri N. B. Singh and Shri A. K. Lala for Respondents no 1 and 2 respectively were heard. The pleadings have been considered.

5. It is quite clear from the affidavit of Respondent no 2 that the responsibility for payment of the amount lies with Respondent no 2. It is also clear from the same affidavit that the Director of Cultural Affairs received an amount of Rs 1752 towards principal and an amount of Rs 1325 towards interest upto December

1982 as late as on 17-10-96. The amount was lying in Suspense Account due to wrong transcription of the Head of account by the office of the Respondent no 2. The mistake could not be rectified by the respondents and the matter remained unde correspondence from 1978 to 1996. The amount had become payable to the applicant after the closure of the scheme in 1982. The settlement of the account and payment to the applicant was delayed for fourteen years upto 1996. This delay was caused by the negligence of the Respondents - particularly of Respondent no 2 and Respondent no. 3. The applicant for no fault has been deprived of payment of the amount of compulsory deposit ^{over} for fourteen years and was not able to earn interest on this amount. He is entitled to payment of interest from the grant of the State Government operated by Respondent no 2 under the budget head allotted to him.

6.

The next issue which arises is what would be an appropriate rate of interest in this case. The applicant has claimed interest at the rate of 18 per cent per annum. It is clear from the receipt for amount of interest given by the Deputy Director in the Directorate of Cultural Affairs to the Treasury Officer and annexed to the Counter Affidavit of Respondent no 2 that the interest earned by the Compulsory Deposits ~~excessed~~ varied from 11.5% p.a. to 13.5% p.a. and was 12.5% p.a. for most of the period of the scheme. It would, therefore, be just and proper if the respondent is asked to pay 12.5% interest on the amount of Rs 3077=70 paise from 1.1.83 to the date of this judgment.

7.

The applicant has claimed damages for loss and inconvenience caused to him. The damages are awarded where there is any intention to cause loss to the applicant. In this case, no such intention is alleged. There is delay which is partly because of lack of attention to the claim of the applicant which was for a small amount and partly because of procedure involved in getting back any amount deposited and kept under Suspense Head of Account. The applicant is not, therefore, entitled to any damages.

8.

In view of the above, the Respondent no 2 and 3 are directed to calculate interest at the rate of 12.5%

- 4 -

(twelve and a half percent) per annum from 1.1.83
to the date of the judgment and pay it to the applicant
within a period of three months from the date of
communication of this order by the applicant.

9. The respondents shall pay Rupees
Five Hundred towards the cost of this application to
the applicant within three months from the date
of communication of this order.


A. M.

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 16th day of January 1998.

Original Application no. 836 of 1996

Hon'ble Mr. S. Dayal, Administrative Member

Surendra Nath Jaisawal,
S/o Late Shri B.L. Jaisawal,
R/o 239, Attarsuiya,
Bhawatbah, Allahabad.

... Applicant

C/A Shri S.K. Jaisawal

Versus

1. ~~Union of India through the Director General, Archaeological Survey of India, Janpath, New Delhi.~~
2. The Director, Cultural Affairs, U.P. (Antiquities and Art Treasure) 9th Floor, Jawahar Bhawan, Lucknow.
3. Senior Treasury Officer, Lucknow.
4. Accountant General, Uttar Pradesh, Allahabad.

.... Respondents

C/R Shri N.B. Singh
Shri A.K. Gaur.

ORDER

Hon'ble Mr. S. Dayal, Member-A.

This is an application under section 19 of the
Administrative Tribunals Act, 1985.

// 2 //

2. . . . The applicants seeks the following reliefs in this application:-

- i. A direction to Respondent no. 2 to make payment of amount deposited by the applicant in Compulsory deposit scheme and which has become Rs. 30,500 at the time of filing the application in July 1996.
- ii. A direction to Respondent no. 2 to pay damages for the loss and inconvenience caused to the applicant.
- iii. A direction to Respondent to pay the cost of this application.

3. The facts as given in the application are that the applicant joined the Archaeological Survey of India as Technical Assistant in 1961 and rose to the post of Deputy Superintending Archaeologist, Lucknow in the Archaeological Survey before he retired on 31.01.96. The applicant joined the office of the Director, Cultural Affairs (Antiquities and Art Treasure) under the State Government of Uttar Pradesh in August 1979 and he worked on this post till April, 1977 before reverting to his parent department when he went on deputation to the Office of the Director, Cultural Affairs, an amount of Rs. 1752 standing to his credit in his Compulsory Deposit Scheme was transferred by the Archaeological Survey of India to the Director, Cultural Affairs. This amount had been deducted from his salary from October 1974 to July, 1976. This amount was sent by the Archaeological Survey of India to the Directorate of Cultural Affairs of Uttar Pradesh Government by a Bank Draft which was deposited in Lucknow Treasury in November 1976 by the Directorate of Cultural Affairs. The applicant claims that inspite of a number of representations made by him, the Director, Cultural Affairs, Government of Uttar Pradesh, and the Accountant General

of Uttar Pradesh have not made the payment of amount wrongly deposited under Compulsory Deposit Scheme, Central instead of Compulsory Despsit Scheme, Provincial.

4. The arguements of Shri S.K. Jaisawal for the applicant and Shri N.B. Singh and Shri A.K. Gaur for the Respondents no 1 and 2 respectively were heard. The pleadings have been considered.

5. It is quite clear from the affidavit of Respondent no. 2 that the responsibility for payment of the amount lies with Respondent no. 2. It is also clear from the same affidavit that the Director of Cultural Affairs received an amount of Rs. 1752 towards principal and an amount of Rs. 1325 towards interest upto December 1982 as late as on 17.10.96. The amount was lying ⁱⁿ Suspense Account due to wrong transcription of the head of account by the office of the Respondent no. 2. The mistake could not be rectified by the respondents and the matter remained under correspondence from 1978 to 1996. The amount had become payable to the applicant after the closure of the scheme in 1982. The settlement of the account and payment to the applicant was delayed for fourteen years upto 1996. This delay was caused by the negligence of the Respondents particularly of Respondent no. 2 and Respondent no. 3. The applicant for no fault has been deprived of payment of the amount of compulsory deposit for over fourteen years and was not able to earn interest on this amount. He is entitled to payment of interest from the grant of the State Government operated by Respondent no. 2 under the budget head allotted to him.

6. The next issue which arises is what would be an appropriate rate of interest in this case. The applicant has claimed interest at the rate of 18% per annum. It is clear from the receipt for amount of interest given by the Deputy Director of Cultural Affairs to the Treasury Officer and annexed to the Counter Affidavit of Respondent no. 2 that the interest earned by the Compulsory Desposits varied from 11.5% p.a. to 13.5 % p.a. and was 12.5% p.a. for most of the period of the scheme. It would, therefore, be just and proper if the respondent is asked to pay 12.5 % interest on the amount of Rs. 3077=70 paisa from 01.01.83 to the date of this judgment.

7. The applicant has claimed damages for loss and inconvenience caused to him. The damages are awarded where there is any intention to cause loss to the applicant. In this case, no such intention is alleged. There is delay which is partly because of lack of attention to the claim of the applicant which was for a small amount and partly because of procedure involved in getting back any amount deposited and kept under Suspense Head of Account. The applicant is not, therefore, entitled to any damages.

8. In view of the above, the Respondent no. 2 and 3 are directed to calculate interest at the rate of 12.5 % (twelve and a half percent) per annum from 01.01.83 to the date of this judgment and pay it to the applicant within a period of three months from the date of communication of this order by the applicant.

// 5 //

9. The respondents shall pay Rupees Five Hundred towards the cost of this application to the applicant within three months from the date of communication of this order.

Concluded

A.M.