

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

HON'BLE MR. JUSTICE A.K. YOG, MEMBER (J).

Original Application Number. 48 OF 2004.

ALLAHABAD this the 25th day of **September, 2008.**

Sudarshan Rai, S/o Sri A.N. Rai, R/o D 59/365 G-2 KHM, Jai Prakash Nagar, Shivpurwa, District- Varanasi.

.....Applicant.

VE R S U S

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Rail Manager, North Eastern Railway, Varanasi.
3. Divisional Rail Manager (Personnel), N.E.R., Varanasi.
4. Sr. Divisional Mechanical Engineer (C&W), N.E.R., Varanasi.

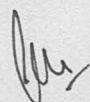
.....Respondents

Advocate for the applicant: Sri V.K. Srivastava

Advocate for the Respondents : Sri K.P. Singh

ORDER

By means of this O.A applicant seeks to challenge order dated 05.07.2003 (Annexure A- 7 to the O.A) which shows that he has been denied interest on 'dues' paid to him under order dated 21.08.2002 passed in O.A No. 1444/2001. Learned counsel for the applicant submits that the applicant has not been paid interest.



2. According to the learned counsel for the respondents, no interest is payable under rules to the applicant.

3. Considered 'contentions' made on behalf of both sides.

4. Dispute being decided in O.A No. 1444 of 2001 and 'dues' vide respondent's order dated 19.05.1993 (re Traveling allowance) and order dated 22.05.2003 (re- over time allowances) , applicant shall be paid interest also.

5. Learned counsel for the applicant has placed a photocopy of order dated 21.08.2002 passed in O.A No. 1444/01 to indicate that interest was claimed. Para 1 of the order dated 21.08.2002 reads:

"This O.A has been filed under section 19 of the A.T. Act., 1985 with the prayer to direct the respondents to make the payment of overtime bills and Traveling allowance bills as submitted by the applicant with interest."

Aforesaid O.A No. 1444/02 was decided vide order dated 21.08.2002, which is reproduced below: -

"The O.A stands disposed of finally with the direction to the General Manager to decide the pending representation of the applicant dated 02.04.2001 by a reasoned and speaking order within a period of three months from the date of receipt of copy of this order. The applicant may send a fresh representation, if he so desires alongwith a copy of this order. No order as to costs."

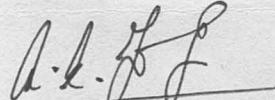
6. Learned counsel for the applicant has submitted that the applicant is entitled to interest for the aforesaid period i.e. from the date of filing O.A No. 1444/01 till actual date of payment i.e. 22.05.2003.

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7. Applicant has filed copy of his application/representation dated 21.08.2002, dated 20.06.2003 and 18.10.2003 (P.P. 27,29 and 32-compilation II of the O.A), which show that the applicant had approached authorities to pay interest on the ground that 'person' guilty of harassing him be punished. Erring official/person ought to have been punished and expenditure on avoidable litigation to be recovered from him.

8. It is clear that the applicant had claimed interest while approaching the Tribunal. Tribunal did not refuse interest. Respondents have placed no 'Rule' or 'order of court' to show that they are not liable to pay interest. No reason to deny interest is given in the 'impugned order'. Assuming interest is not permissible under 'Rules' but same cannot be denied for the period between the date when O.A No. 1444//01 was filed till its payment- particularly when 'respondents' failed to show that delay was not intentional or beyond control. There is no justification to denying 'interest' in normal circumstances. Consequently O.A is partly allowed with a direction to the respondents to pay interest @ 9% per annum simple interest from the date of order dated 21.08.2002 (passed in O.A No. 1444 of 2001, referred to above) till 22.05.2003. Any other relief apart from relief granted above, is rejected.

9. There will be no order as to costs.


(A.K. YOG)
MEMBER- J.

/Anand/