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Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.912 of 1986
(Original Civil Suit No. 976 of 1982)
(of the Court of Judge, Small Cause
(Cases, Kanpur)

Smt. Girija Devi Srivastava Plaintiff

Versus

Union of India and Others Defendants.

Hon. Justice Kamleshwar Nath, V.C.

Hon. K. J. Raman, Member (A)

(By Hon. Justice K. Nath, V.C.)

The Small Cause Court Suit described above is before this Tribunal under Section 29 of the Administrative Tribunals Act, 1985 for a money decree of Rs.2,269-16 with interest @ 12% per annum.

2. The Suit was originally filed by one Shri J.K. Srivastava who was an Assistant Goods Clerk in the Northern Railway and retired on 30.11.78 as Goods Clerk grade II. He claimed that he was entitled to some promotion and in consequence thereof for refixation of his salary. It appears that the refixation was yet to be done from 16.10.69 but the benefit of refixation has not been given to him. He filed Original Civil Suit No.127 of 1978 for difference of salary for the period from 16.10.69 to 2.12.73. That Suit appears to have been decreed.

3. The present Suit was filed to claim the difference with effect from 3.12.73 to 30.11.78. The claim appears to have been contested by the defendants

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but ultimately an application dated 27.2.84, Paper No. 23-GA of the Lower Court Record was made in which it was stated that according to the judgement of the learned ~~xx~~ Munsif, Kanpur, delivered on 2.11.79 (Original Civil Suit No.127 of 1978), the pay of the deceased plaintiff was being fixed in the grade of Rs.425 - 640 with effect from 16.10.69 and that the difference of pay would be given to the deceased plaintiff for the period ending within the date of retirement i.e. 30.11.78. The defendants had requested for one month's time to make the payment. This time seems to have been extended on subsequent prayer contained in application No.23-GA dated 27.4.84. The plaintiff's counsel however says that the amount has not yet been paid. The counsel further says that the present plaintiff is the legal representative of the deceased employee and is satisfied if the defendants carry out their undertaking contained in the application dated 27.2.84, Paper No.22-GA. In this sense the offer of the defendants in the above application stands accepted by the present plaintiff.

4. We further notice that there has been inordinate and unjustified delay in making payment of the amounts to the deceased plaintiff or to the present legal representative. We consider it fair to award 10% per annum simple interest on the outstanding. For the ~~same~~ reasons we are not accepting the contention of the ^{same} Defdt's counsel that costs may not be imposed.

5. The Suit is therefore decreed with the direction that the defendants shall fix the pay of the

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deceased plaintiff J.K. Srivastava in the grade of Rs. 425 - 640 with effect from 16.10.69 and shall pay of the entire arrears of salary, allowances etc. subject to adjustment of the amounts already paid, with interest @ 10% per annum simple on the amount due on 30.11.78 and also pay interest at the same rate till the making of the final payment. The defendants shall also pay the plaintiff's cost which we assess at Rs.500/-. The defendants shall carry out this direction within three months from the date of receipt of a copy of this judgement.

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Member (A)

Vice Chairman

Dated the 7th March, 1990.

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