

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 7TH DAY OF MARCH, 1996

Original Application No. 562 of 1992

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR.S.DAS GUPTA, MEMBER(A)

Ram Sahai Lal, son of Late
Shri Baij Nath Prasad, EX LSG/Clerk
C.T.O. Varanasi, resident of village
Malpur, Post Office Benupur,
District Azamgarh

Applicant

BY ADVOCATE SHRI R.P.SRIVASTAVA

Versus

1. The Director Telecom(East) Varanasi
2. The Chief Accounts Officer, Telecom
Accounts Bhopal House, Lalbagh,
Lucknow.
3. The Superintendent I/C, Central Telegraph
Office, Varanasi

Respondents

O R D E R (Oral)

JUSTICE B.C. SAKSENA,V.C.

We have heard the learned counsels for the parties. Through this O.A the applicant claims a direction to be issued to the respondents to pay the arrear pay bill amounting to Rs.3111.05 with interest @ 18% per annum on the said amount. The applicant retired on 1.8.1981. The said amount was due on the basis of the extra ordinary leave converted into medical leave. Sanction for the same, as is evident from the supplementary counter, was accorded by the then Director Telecom(East) through his letter dated 8.1.81 for counting the extra ordinary leave on medical ground towards annual increments of the applicant. In the supplementary counter it has been indicated that the Chief Accounts Officer(TA) U.P.

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Circle Lucknow through his letter dated 23.4.83 returned the bill unchecked on the plea that the approval of the Director Telecom(East) Varanasi conveyed the letter sent to him was not in order. It has further been explained that the said bill was sent back justifying the claim of the official. After a lapse of 5 years thereafter, it has been averred, that the Chief Accounts Officer(TA) U.P. Circle, Lucknow directed the office of the CAO(TA) to prepare the bills and sent for rechecking while the bills were destroyed. It has further been averred in the supplementary counter that a sum of Rs.3111.05 was paid to the applicant on 9.6.94.

2. The learned counsel for the applicant therefore submitted that the relief for payment of the said amount has now become infructuous. He further submitted that the claim for interest on account of delayed payment of the said amount still subsists. In view of the circumstance that the delay has not been satisfactorily explained, we are of the opinion that the applicant is entitled to payment of interest @ 14% per annum w.e.f. 1.1.82 till 9.6.94. We have indicated 1.1.82 so as to leave out some time for procedural processing of the claim by the Authorities. The O.A succeeds. The amount of interest as directed hereinabove shall be paid to the applicant within three months from today and in the event of non payment of the said amount of interest within the time granted we direct that the respondents shall pay interest to the applicant @ 18% for the relevant period i.e. to say 1.1.82 to 9.6.94. We also provide that it would be open to the respondents to fix the liability for the delayed payment and to recover the said amount from the official(s) concerned.

MEMBER(A)

VICE CHAIRMAN