

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Original Application No. 273 of 2000

this the 4th day of February 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Bhola Shanker, S/o Sri T.S. Palgi, R/o Tanda Bedi, Rampur.

Applicant.

By Advocate : Sri A. Shukla.

Versus.

1. Union of India through its Secretary, Ministry of communication, Department of posts, Dak Bhawan, New Delhi.
2. Senior Supdt. of Post Offices, Moradabad Division, Moradabad.

Respondents.

By Advocate : Km. S. Srivastava.

ORDER (ORAL)

By this O.A., the applicant has sought a direction to the respondents to pay 12% interest on the DCRG and leave encashment from the date of maturity of the claim.

2. I have heard both the counsel and perused the pleadings as well.

3. It is seen that this is a second round of litigation by the applicant. He had earlier filed O.A. No. 1119 of 1991 which was decided on 8.7.1992 (Annexure A-1) whereby the respondents were directed to treat the applicant as a retired person w.e.f. 31.5.90 and to grant him all pensionary benefits and leave encashment and all other consequential benefits treating the suspension period as in service within a period of two months from the date of communication of the order. It is stated by the respondents in their Counter affidavit that as per order

92

passed by this Tribunal, the amount of DCRG was sanctioned by the office on 25.9.92 and paid to the petitioner on 9.10.92 i.e. within two months of the receipt of a copy of the order of the Tribunal as the order of the Tribunal was received by them on 24.8.92. Similarly, the amount of leave encashment was also paid to the petitioner vide Bill No. 38 in the month of September'92, thus, the present O.A. is totally mis-conceived and not tenable in law. according to them. It is submitted by them that since no direction was given by the Tribunal in its earlier O.A. to give any interest to the applicant, the present O.A. is not maintainable as the applicant cannot seek the relief in peacemeal. They have also relied on 1997 SCC (L&S) 135 judgment given in the case of Commissioner, Income Tax, Bombay Vs. T.P. Kumaran. I have applied my mind to the given facts of the case and have also seen the judgment given by the Hon'ble Supreme Court. Admittedly, the applicant had approached the Tribunal earlier in the year 1991, when the respondents were directed only to treat him as a retired person w.e.f. 31.5.90 and to grant him all pensionary benefits, no direction was given to pay any interest on the said amount, therefore, the present O.A. seeking only interest on the said amount according to me is not maintainable especially when the amount was already paid by the respondents within two months from the date of receipt of a copy of the order passed by the Tribunal way back in the year 1992, whereas the present O.A. has been filed in the year 2000. The applicant has not explained why he has filed the present O.A. in the year 2000 and he could always have claimed the interest ~~also~~ in the first O.A. itself. However, since the Tribunal in its discretion did not allow any interest on the payments, no such claim is tenable in law. Accordingly, the O.A. is dismissed being devoid of any merits.

GIRISH/-

MEMBER (J)