

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 11TH DAY OF MARCH, 2003

Original Application No. 970 of 2000

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Kripa Shankar Dixit, aged about
64 years, S/o Late Shri Mool Chandra
Dixit, R/o 109/412, nehru Nagar,
Kanpur.

... Applicant

(By Adv: shri Rakesh Verma)

Versus

1. Union of India through the
Secretary, Ministry of Communication
(Department of Posts),
New Delhi.
2. The Director General,
Department of Posts, Dak Bhawan,
New Delhi.
3. The Post Master General
Kanpur Region, Kanpur
4. The Deputy Chief Post Master(Gazetted)
Kanpur Head Office, Kanpur.

... Respondents

(BY Adv: Shri Satish Chaturvedi)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has
prayed for a direction to the respondents to pay interest
on the amount of Rs 828/- paid on 17.8.1993 and amount of
Rs1228/- paid on 11.1.1999. The grievance is that there
was gross delay in paying the aforesaid amounts.



The facts of the case are that applicant was serving as Mail Clerk in Kanpur head post office. He was charge-sheeted by a memo dated 4.6.1974. In these disciplinary proceedings applicant ^{was} awarded punishment of recovery of the amount of Rs 800/- as portion of the total loss caused to the government. The punishment order was passed on 19.5.1975. The order was maintained in appeal. However, the review filed by applicant was allowed on 6.10.1980. The order of punishment was set aside. During the aforesaid disciplinary proceedings applicant remained under suspension from 1.11.1973 to 28.2.1974. After the order dated 6.10.1980 (Annexure 1) was passed the applicant became entitled for regularisation for the period of suspension mentioned above. However, applicant did not take any action, department ^{was} kept quiet. The applicant was due to retire from service on 31.1.1994. The order regularising the period of suspension was passed on 30.1.1993. There was delay of about 13 years. In pursuance of the order dated 30.1.1993 amounts were paid to the applicant on 17.8.1993 and 11.1.1999. The total sum involved was Rs 2056/-. This OA has been filed on 30.8.2000 claiming interest @ 18% on the aforesaid amount from the date they fell due to the applicant.

The question for consideration is whether the claim of the applicant is within time. If it is within time? should it be granted?. The applicant became entitled for regularisation of the period of suspension on 6.10.1980 when the order was passed in review setting aside the punishment awarded to him. However, he kept quiet and was sleeping over his right for over 13 years. Learned counsel for the applicant blamed department for this. It is true that delay on the part of the department cannot be appreciated but it was the personal interest of the applicant to get the amount and also to get the period

regularised but he did not make any effort whatsoever to this effect. Department on its own passed order on 30.1.1993, a few months before his retirement. Even in 1993 he did not pray for any interest though part of the amount was paid to him, final payment was made in 1999 thereafter he filed application in August 2000. In my opinion, application is clearly time barred. The applicant was negligent ^{towards} ~~for~~ his own interest at each step.

Considering the circumstances, I do not find it a fit case to ^{award interest} ~~interfere~~. The application is ^{also} ~~highly~~ barred by time and is dismissed. No order as to costs.


VICE CHAIRMAN

Dated: 11th March, 2003

Uv/