

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO.910 OF 2002

ALLAHABAD THIS THE 29th DAY OF March, 2005

**HON'BLE MR. D.R. TIWARI, MEMBER-A
HON'BLE MR. K.B.S. RAJAN, MEMBER-J**

Prahlad Narain Saxena,
S/o Late Gauri Shanker Saxena,
R/o Shanker Niwas, Mohalla Roshanganj,
Shahjahanpur.

.....Applicant

(By Advocate Shri H.S. Srivastava)

V E R S U S

1. Union of India,
Through the Secretary,
Ministry of Defence,
New Delhi.
2. The Finance Advisor (Defense Services),
Ministry of Defence, (Finance)
New Delhi.
3. The Controller General of Defence Accounts, West Block-V, R.K.
Purakam, New Delhi.
4. The Controller of Factories & Accounts (Fys.),
Kanpur Group of Factories, ayudh Upaskar
Bhawan, G.T. Road, Kanpur.

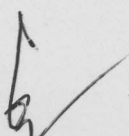
.....Respondents

(By Advocate: Sri Saumitra Singh)

ORDER (ORAL)

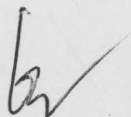
BY K.B.S. RAJAN, MEMBER-J

The short question involved in this case
is whether the applicant is entitled to any
interest on the arrears of pay and allowances,
which were withheld during the pendency of appeal



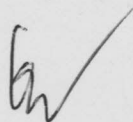
preferred by the applicant and which were released after the Appeal had been allowed on the recommendations of the UPSC. The extent of amount of arrears paid to the applicant was to the tune of 18,857/- paid in November, 2002.

2. One increment was withheld for a period of one year without cumulative effect, as a measure of minor penalty imposed upon the applicant vide order dated 15-04-1997, against which the applicant preferred an appeal, which was dismissed vide order dated 20-10-1997. However, in the revision the applicant became victorious inasmuch as the Revisional Authority, on the basis of recommendations of the UPSC had completely exonerated the applicant. Order dated 04-07-2001 refers. The applicant was paid a sum of Rs 18,857/- in November, 2002 i.e. after a lapse of 16 months. The applicant has claimed interest @ 18% on the above payment. His grievance is also that he has not been fixed his revised pension on account of the release of one increment. He has also claimed certain other relief such as promotion at par with juniors and payment of difference in gratuity. As regards the promotion, the applicant had not pressed the same during the course of argument as he by now stands retired from Govt. service.

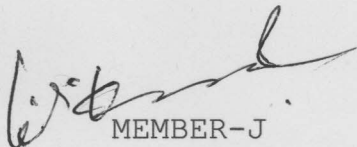


3. The respondents have fairly conceded that the penalty imposed had been withdrawn by a Presidential Order dated 4th July, 2001 but contended that the applicant is not entitled to interest on the alleged delayed payment.

4. The parties were heard and the documents perused. Admittedly the applicant was paid a sum of Rs 18,857/- in November, 2002, while the order of exoneration was passed way back July, 2001. Even assuming that a period of four months would be required to process the payment of arrears of pay and allowances, there has been a delay of at least one year. We have called for the records of the respondents to go through the same. These have been produced by the counsel for respondents and perused by us. It is observed that subsequent to the Presidential Order, exonerating the applicant, there was no earnest attempt to make the payment of the withheld pay for a substantial period of one year. This delay has not been explained by the respondents. The applicant is, therefore, entitled to interest for the period of one year. As the gratuity is based on the last pay drawn and the currency of penalty did not have any impact upon the last pay drawn since the penalty is one of non cumulative in nature, there cannot be any arrears of gratuity payable to the applicant. So is the case relating to arrears of pension, which is based on the

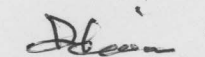


average of the last 10 month's pay drawn and the penalty imposed in 1997 without cumulative effect cannot result in truncation of gratuity paid at the time of retirement in June, 2001. To this extent the application succeeds. Respondents are directed to pay interest @ 12% on the amount of Rs 18,857/- for a period of 12 months i.e Rs 1,885/-. As the applicant has retired in June, 2001 and had to make strenuous efforts for realizing his legitimate claim, we award a cost of Rs 1,000/-. The above sums should be paid to the applicant within a period of six weeks from the date of receipt of copy of this order.



MEMBER-J

GIRISH/-



MEMBER-A