

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

O.A.No. 842 of 2003

Allahabad: This the 21st day of May, 2004

HON'BLE MRS. MEERA CHHIBBER, JM

K.P.Srivastava(Retd.)
R/o 314, Old Katra, Allahabad.

....Applicant.

By Advocate: Shri H. S.Srivastava

VERSUS

1. Union of India through
the Secretary(Post),
Ministry of Communication,
Government of India, Sansad Marg,
Sanchar Bhawan, New Delhi.
2. The D.G.Posts
Dak Bhawan, New Delhi.
3. The Chief P.M.G., U.P.Circle,
Lucknow.
4. The P.M.G. Allahabad Region,
Allahabad.

.....Respondents.

By Advocate :- Shri R.C.Joshi

O R D E R

By Hon'ble Mrs. Meera Chhibber, JM

By this O. A. applicant has sought the following
relief(s):-

"(a) to issue an order, rule or direction to the
respondents, to pay market rate of interest
on the amounts from the date due to the
actual date of payment.

...pg 2/-

(b) Any other relief which this Tribunal may deem proper and just in the circumstances of the case.

(c) to allow the instant DA with cots, in favour of the applicant."

2. It is submitted by the applicant that he retired on 31.1.1991 but was given the promotion as H.S.Grade-II w.e.f. 13.7.1986 and H.S.H-I w.e.f. 09.3.1990 with all consequential benefits only vide order dated 21.12.2000(pg.11) that is nine years after he superannuated. It was only thereafter that he was given ~~arrears of pay and allowances~~ of Rs.6,713/- in June, 2001, an amount of Rs.22,118/- on account of arrears of pension in June, 2001, an amount of Rs.11,088/- on account of arrears due to refixation from 01.1.1996 in June 2001 and also an amount of Rs.165/- on account of gratuity was paid in July, 2001. He, therefore, gave a representation on 13.12.2001 claiming interest for the delayed payments made to him. The matter was referred by the office of C.P.M.G., U.P.Circle, Lucknow to P.M.G., Allahabad vide letter dated 29.1.02, ^{is} which/evident from page 21. However, the P.M.G., notice of Allahabad again brought back to the/ office of C.P.M.G., U.P.Circle, Lucknow vide his letter dated 04.2.2003 (pg.22) stating therein that since he was promoted from Circle Office, therefore, the matter is being sent back for being decided at their level. It is said by applicant that he once again gave a representation to the C.P.M.G., U.P.Circle, Lucknow on 07.3.2003 requesting for being paid the due interest for delayed payment but till date neither any reply has been given to him by the respondents nor he has been given the interest on the delayed payment.



3. Respondents, in their C.A., have opposed this O.A. on the ground that his penalty of censure was quashed by the Tribunal on 21.7.1992 with all consequential benefits, therefore, it was in compliance of the directions of Tribunal that petitioner was promoted as L.S.G. w.e.f. 03.11.1980 and H.S. Grade I w.e.f. 09.3.1990. They have, thus, submitted that as and when the orders were passed, applicant was given the benefits of such orders, therefore, the O.A. may be dismissed.

4. I have heard both the counsel and perused the pleadings as well. It is seen that applicant has given repeated representation for grant of interest on the ground of delayed payment made to him inspite of direction given by this Tribunal but till date respondents have not decided any of his representation. None of the judgments as referred to in the C.A., have been placed on record, therefore, I do not know what were the contents of the said judgment. In any case the law is well settled that once a representation is given by the person concerned to the authorities, the least that is expected from them is to pass a detailed and reasoned order, while deciding the said representation. In this case it is seen that representation of applicant is being forwarded from P.M.G. office to C.P.M.G., U.P., Circle, Lucknow and back, without taking any decision thereon. Therefore, this O.A. is disposed of with a direction to the respondent no.3 to consider the representation of the applicant in the light of facts and judgments, which were passed by various Courts in his favour and to decide the same in accordance with law within a period of 4 months from the date of receipt of a copy of this order, under intimation to the applicant. In case the delay is attributable to the department/ it become applicant will be entitled to interest @ 9% from the date/



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due to him till it ~~is~~ actually paid, otherwise respondents
shall pass a reasoned order explaining the facts.

5. With above direction this D.A. is disposed off with
no order as to costs.



Member-J

Brijesh/-