

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALAHABAD BENCH, ALAHABAD**

Allahabad, this the 2nd day of **November**, 2011

Present :

**Hon'ble Mr. Sanjeev Kaushik, Member-J
Hon'ble Mr. Shashi Prakash, Member-A**

Original Application No.605/2006

1. B.L. Chaurasia, aged about 54 years, S/o Shri M. Chaurasia, Resident of House No.57/54 Dharharia, Opposite Prayag Station Ram Priya Road, Allahabad.
2. R.K. Dubey aged about 53 years, S/o Shri H.N.Dubey, Resident of House No.16 E Maur Road, Allahabad.

.....Applicants.

By Advocate – Shri N.L. Srivastava

V E R S U S

1. Union of India, Ministry of Textile Udyog Bhawan, New Delhi through its Secretary.
2. Development Commissioner (Handicrafts) Ministry of Textile, West Block No.7, R.K. Puram, New Delhi.
3. Regional Director (Centre Region) Office of the Development Commissioner (Handicrafts) Kendriya Bhawan 7th Floor, Aliganj, Sector-H, Lucknow.
4. Assistant Director (A and C) Carpet Weaving Training Cum Service Centre Varanasi, Office of the Development Commissioner Handicrafts.
5. Principal Controller, Defence Account (Pension) Draupadighat, Allahabad.

.....Respondents.

By Advocate : Shri Himanshu Singh

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O R D E R

By Hon'ble Mr. Sanjeev Kaushik, J.M. :

The instant OA is filed under Section 19 of A.T. Act, 1985 whereby the applicant seeks the following relief(s) :-

- (i) ***To issue a direction to the respondents to pay the arrears to the applicants as Rupees 51586/- and Rupees 54928/- respectively with 10% interest per annum to the applicants from 16.4.2003 (date of sanctioned) till the date of actual payment.***
- (ii) ***To issue any other suitable or equitable order or direction to the respondents which this Hon'ble Court/Tribunal may deem fit and proper in the circumstances of the present case.***
- (iii) ***To award the Special Cost of the Original Application to be paid to the applicants from the respondents throughout.***

2. It is fairly submitted by learned counsel for the applicant that during the pendency of the OA, the respondents have made the payment of Rs.51586/- and 54928/- to the applicant. But no interest has been paid to the applicant for the delay caused by the respondents. He submitted that the applicant has already made a request for grant of interest @ 10% per annum from 16.4.2003 till the date of actual payment. Learned counsel for the applicant submitted that for redressal of his grievance for release of arrears of salary the applicant was forced to approach this Tribunal thrice. . Earlier he filed first OA No.141/99 which was disposed of by order dated 31.5.2001 whereby the

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respondents were directed to make the payment of arrears of salary. The order passed by this Tribunal communicated to the respondents on 4.1.2001 inspite of respondents did not make the payment then the applicant constrained to approach this Tribunal. The applicant filed another OA No.1237/05 which was disposed of on 21.10.2005 with direction to respondents to consider and decide the representation of the applicant for granting to release the arrears of salary. When the respondents did not make the payment then this OA has been filed. He placed reliance upon the judgment passed by Hon'ble High Court of Allahabad in the case of Shripati Tripathi Vs. State of U.P. and others reported in 2010 (10) ADJ 331 (DB) and submitted that the applicant be awarded interest @ 10%. On the other hand learned counsel for the respondents is not in a position to rebut the contention raised by learned counsel for the applicant.

3. We have considered the submission and have gone through the judgment passed by Hon'ble High Court. It is not disputed that applicant was entitled for the arrears of salary way back on 16.4.2003 but the payment has not been made till 14.8.2006. No explanation has been given as to why the payment has not been paid earlier. The Hon'ble

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High Court in the case of Shripati Tripathi (supra) as held as under :

"18. The principles, which can be culled out from the aforesaid judgments are that where State employer is not able to justify delay in payment of arrears of salary, settlement of retiral dues or terminal benefits, and it is found by the Court that the delay is wholly attributable to the State employer, the interest on such arrears of pay, pension and other retiral dues payable under the statutory rules, or even if they are not covered by statutory rules, must be paid to such employee. The reasonable period has been fixed by the Supreme Court of two months. If all the required documents duly completed have been submitted and that the State has delayed the amount of arrears of retiral dues or terminal benefits, the State employer is liable to pay interest on such delay, ordinarily at the rate of 12% simple interest per annum, unless the interest is quantified by the Statutory rules. This interest paid is as penalty not only for mitigating the hardships suffered in depriving the employee of his right to receive the amount due to him within reasonable period of time and also on the right to life, guaranteed under Article 21 of the Constitution of India."

It is clear from the above para, the Hon'ble High Court has fixed reasonable period for making the payment i.e. two months and in the present case the payment has made after four years.

4. In view of the above, we find force in the arguments made by learned counsel for the applicant which is also supported by ratio of the judgment of the Hon'ble High Court. Therefore, we allow this OA. The applicant is

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entitled for interest @10% per annum from the date of entitlement till the payment is made. Let this exercise be completed within a period of four months from the date of receipt of copy of this order. No costs.

S. H. S.
Member (A)

Alaev'
Member (J)

RKM/