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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 385 of 1991

Date of Decision ... 23.08.1991

Sripaty Satapathy ... Applicant

Versus

Union of India & others ... Respondents

For the applicant M/s. Deepak Mishra,
R.N.Naik, A.Dee,
B.S.Tripathy &
P.P.Panda,
Advocates

For the respondents M/s. A.K. Mishra,
Senior Standing Counsel
(Central)

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C O R A M

HON'BLE MR. K.P.ACHARYA, VICE-CHAIRMAN

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1. Whether the reporters of newspaper may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? ~~AM~~
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

K.P.ACHARYA, VICE CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for directing the opposite Parties to pay him interest @ 12 percent per annum on the back wages which was decreed in his favour by this Bench.

2. Shortly stated the case of the petitioner is that the order of suspension passed against the petitioner in connection with initiation of a criminal case and the order of dismissal passed by the Competent Authority resulting from conviction of the petitioner in a criminal case in which there was an allegation of misappropriation, having been set aside and quashed by this Bench in OA No.32 of 1989, the petitioner after reinstatement filed an application for grant of back wages since the date of suspension and this formed subject matter of OA 32 of 1989 which was disposed of on 31st July, 1989 and in the said judgment this Bench directed payment of back wages with effect from the date of

suspension till the reinstatement. Now in the present application the petitioner claims interest @ 12 per cent per annum on the back wages.

3. In their counter the Opposite Parties maintain that there is no question of payment of interest on back wages because the departmental authority has immediately complied with the direction of this Bench contained in OA 32 of 1989 and if there is any delay in the receipt of payment, it is due to the latches on the part of the present petitioner for which the departmental authorities cannot be blamed and hence petitioner is not entitled to interest.

4. I have heard Mr. R.N.Naik learned Counsel for the applicant and Mr. A.K.Misra learned Standing Counsel(Central) for the Opposite Parties at some length. Mr. Naik heavily pressed on the court that the petitioner has been considerably harassed and tortured by the departmental authorities for last ~~se~~ many years begining from the year 1976 and therefore, law having permitted payment of back

wages, this Bench had passed a decree in favour of the petitioner but by mistake this Bench could not pass any order for payment of interest. Due to the harassment and torture meted out to the petitioner he is entitled to interest.

5. On the other hand it was emphatically submitted by Mr. Misra learned Standing Counsel for the Opposite Parties that since the law contemplated payment of back wages, this Bench allowed payment of back wages and further Mr. Misra submitted that interest could be paid only when it appears that due to latches of the concerned authority delay was caused in regard to payment of the principal amount interest could be paid thereon - otherwise the prayer of the petitioner should be rejected and it was further more submitted that in usual course no Government servant is entitled to interest on the amount to which he is entitled.

6. In support of his contention Mr. Naik relied upon a judgment reported in 1988(7) *Ministry of*

Administrative Tribunals Cases 517 (Sohrab Khan
Vs. Union of India and others). This is a judgment
of Hon'ble Chairman sitting as a single judge in
the Patna Bench. Interest @ 12 per cent was allowed by
the learned single Judge because despite the Court's
order, petitioner's suspension was not revoked
and therefore the learned single judge held that
the petitioner is entitled to full salary @ 12
per cent per annum thereof. From the observations
made in para 14 of the judgment it appears that
despite the fact that by virtue of the order passed
by the High Court directing payment of arrears of
salary before 31.12.1983 and despite the fact
that the court had declared in the year 1978 that
the petitioner is entitled to join duty, no steps
had been taken to give effect to the orders till
the year 1984 and therefore, the learned single
judge ordered payment of interest to the petitioner
but in the present case from Annexure-R/2 it is
found that in compliance with the direction contained
in the judgment passed in OA 32 of 1989 dated 31.7.89
the petitioner had been informed on 2.11.1989 that

he should appear and take payment of his back wages. The petitioner did not receive the same. Again a reminder was issued on 31st October, 1989 and thereafter the petitioner has admittedly received payment. In my opinion the delay in receipt of payment is due to the latches on the part of the petitioner for which rightly as contended by Mr. Misra the Government should not be saddled for payment of interest to the petitioner.

7. In the circumstances stated above, I find that the principles laid down by the learned single judge in the aforesaid judgment has no application to the facts of the present case. I find no justification for payment of interest on the back wages to the petitioner. Therefore, the prayer of the applicant stands dismissed and the case is accordingly disposed of leaving the parties to bear their own costs.



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23.8.91.

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VICE CHAIRMAN