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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

O.A.NO.26 OF 1995

Cuttack, this the 2nd day of Aug., 1995

Sambhu Prasad Dalbehera & others ... Applicants.

-versus-

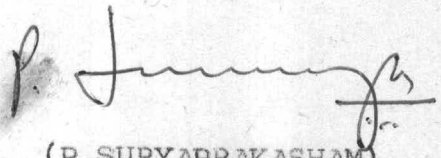
Union of India and others ... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

02 AUG 95


(P. SURYAPRAKASHAM)
MEMBER (JUDICIAL)
(Ernakulam Bench)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.26 OF 1995
Cuttack, this the 2nd day of Aug. 1995

CORAM:

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)
AND
HON'BLE SHRI P.SURYAPRAKASHAM, MEMBER (JUDICIAL)
(Ernakulam Bench)

...

1. Sambhu Prasad Dalbehera, aged about 43 years,
s/o Negula Delbehera.
 2. Kisantha Nayak, aged about 39 years,
son of late Bamana Nayak
 3. P.Bhaskar Dora, aged about 41 years,
son of P.Pantulu Dora.
 4. Natabar Jena, aged about 42 years,
son of late Mani Jena
 5. R.Kamaraju Dora, aged about 43 years,
son of R.Dhanu Dora
 6. Jagannath Behera, aged about 47 years,
son of late Balaram Behera
 7. Ramamurty Beera, aged about 39 years,
son of Rajendra Beera
 8. Dukhiram Meniaka, aged about 32 years,
son of Sarathi Meniaka
 9. Syam Khora, aged about 37 years,
son of late Shera Khora
 10. Mangatia Halba, aged about 38 years,
son of late Narayan Halba
 11. Somanath Bhatra, aged about 34 years,
son of late Binayak Bhatra
 12. Prafulla Kumar Sethi, aged about 33 years,
son of Prahallad Sethi
 13. Kishore Chandra Paik, aged about 32,
son of late Banamali Paik
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14. Trinath Meriaka, aged about 32 years,
son of late Demba Meniaka
 15. Ramesh Chandra Misra, aged about 34 years,
son of Gopinath Mishra.
 16. Bijaya Kumar Choudhury, aged about 43 years,
son of Radha Krishna Choudhury
 17. D.Dharma Rao, aged about 35 years,
son of late B.Bairagi Rao
 18. Rabi Nayak, aged about 34 years,
son of Krupasindhu Nayak
- All are working as Railway Sorting (RMS) Rayagada,
At/P.O/Dist.Rayagada

....APPLICANTS.

By the Advocates

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M/s P.C.Kar & J.Gupta.

-versus-

1. Union of India, represented by
C.P.M.G., Orissa Circle, Bhubaneswar
2. Post Master General,
Berhampur Region, Berhampur (Gm.)
3. Superintendent, R.M.S., Berhampur Division,
Berhampur,
Dist.Ganjam
4. Head Record Officer,
R.M.S., Berhampur Division,
At/P.O/P.S-Berhampur
Dist.Ganjam

... RESPONDENTS.

By the Advocate

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Shri Ashok Misra,
Senior Standing Counsel
(Central Government)

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ORDER

P.SURYAPRAKASHAM, MEMBER(J.)

The applicants, who belong to Rayagada (K) Sorting, claimed interest in respect of over-time allowance of 187% cycle relating to the period from 4.9.1992 to 1.10.1992, for which bills were submitted on 19.10.1992, but the disbursement was made on 10.7.1993. Since there was a long delay in settling the over-time allowance of the applicants, they claimed interest at the rate of 12% per annum.

2. The respondents stated that actually there are five units under Respondent No.3 and each unit is required to send the over-time allowance bills of the staff for a cycle to the Head Record Officer, R.M.S. BG Division, Berhampur (Respondent No.4). The Head Record Officer in his turn should check the correctness of all the bills received from each unit, compile them in one bill, and submit the same to Respondent No.3 along with a consolidated memo for sanction. In this case, the applicants' bills had been submitted on 19.10.1992, by which time Respondent No.4 had despatched the over-time allowance bills of other units to the office of Respondent No.3 and therefore, the bills were not attended to immediately. Later on, the checking was also being delayed due to administrative

exigency and ultimately the bills were submitted on 7.5.1993 for sanction. The allotment of funds under over-time allowance head was received on 7.7.1993 and the bills were passed on 9.7.1993 which were sent to ^{the} Head Record Officer immediately and were encashed and disbursed to the applicants on 10.7.1993. The slight delay in encashing or in preparing the bills, as well as the encashment, is due to the administrative exigency and there was no wilful laches on the part of the Respondents with regard to payment of the bills to the applicants. We find that there is no mala fide intention or any other prejudicial consideration on the part of the Respondents in respect of disbursement of the over-time allowance in respect of 187 cycle. We accept the explanation given by the Respondents in this regard that due to administrative reasons this delay occurred. Therefore, in the circumstances, the applicants are not entitled to get any interest for late disbursement of the over-time allowance. Furthermore, the applicants were not able to show any Rule to the effect that payments should be made within a particular or stipulated period. In the absence of that, the normal delay that may be caused due to administrative exigency must be accepted as a proper

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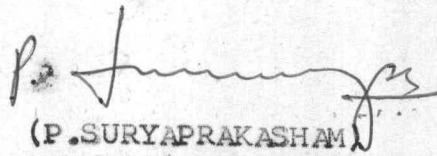
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explanation. Therefore, we are of the opinion that this application is devoid of any merits and is thus dismissed. There will be no order as to costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

02 Aua 95


(P. SURYAPRAKASHAM)
MEMBER (JUDICIAL)

A. Nayak, P.S.