

O.A. No. 882 of 2006

Order dated: 25.09.2008

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)  
Hon'ble Mr. C.R. Mohapatra, Member (A)

The applicant, in this Original Application, prays for the following reliefs:

“ i) To direct the Respondents to pay him the differential arrear dues amounting to Rs. 46,174/- on upgradation of his Scale of pay from 4000-6000/- to Rs. 4500-7000/- w.e.f. 1.1.1996.

ii) Further to direct the Respondents to pay interest on the above amount of Rs. 46,174/- from the date of entitlement i.e. 1.9.2001 till the date of payment @ 18% per annum.”

2. On receiving the notice from this Tribunal, Counter has been already filed for and on behalf of the Respondents. It is stated in paragraph-2 of the counter dated 14.07.2008 as follows:

“That after receipt of the Hon'ble Tribunal's order, administrative decision was taken to implement the Hon'ble Tribunal's judgment as ordered and also to fix responsibility for the delay as observed by the Hon'ble Tribunal. Thereafter, the arrears for the period from 01.01.96 to Sep'01 was prepared vide Bill Unit (B.U.) No. E/TAC/248/JG/Arrs/Suppl/07 Dt. 27.01.2007 for an amount of Rs. 48,267/- and sent to the Finance Branch for audit, passing & Payment.



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The Finance Branch passed the said amount of Rs. 48,267/- vide passing Order Co-7 No. 024016618 dt. 29.01.2007 and issued cheque No. 296874 dt. 29.01.2007 in favour of the Applicant. After issuance of cheque, the Applicant has been advised under this office Lt.No. P/cc/2630/cp 90/06/comm. Dt. 31.01.2007 to receive the cheque bearing no. 296874 dt. 29.01.2007 for Rs. 48,267/- from the pay clerk. Xerox copy of the said letter is annexed as Annexure-R/2.

It is further submitted that in obedience to the Hon'ble Tribunal's directives contained in para-4, the interest @ 8% for the period from 01.01.01 to 31.01.2007 has been calculated on the arrear amount of Rs. 48,267/- which comes to an amount of Rs. 20,594/- towards interest. Accordingly, the bill No. E.TAC/24-B/JG/8% Int. On Arrears/Suppl/07 dt. 26.02.2007 was prepared & sent to the Finance Branch for audit, passing & arranging payment. The Hon'ble Tribunal's order dt. 17.08.06 received on 25.9.06 has been honored & implemented fully in its true spirit. The applicant has taken payment on 11.3.07."

3. In the light of the above, we are of the view that the grievance of the applicant has been already redressed. In the above circumstances, the O.A. has become infructuous. Hence, the matter is dismissed as infructuous. No costs.

~~Ch. Appay~~  
MEMBER (A)

Ch. Appay  
MEMBER (J)

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