

ORDER DATED 28<sup>th</sup> SEPTEMBER 2007

DR. K.B.S. RAJAN, MEMBER(J)

Heard Ld. Counsel for the Applicant Mr. P.K. Chand and Ld. Counsel for the Respondents Mr. D.K. Behera.

The Applicant is a legal heir of late Sk. Innayat who died as early as 2002. From Annexure A/1 it is clear that all the papers required to be filed by the Applicant for drawing the benefit had been made available to the Respondents as early as January 2005. Yet for reasons known to the Respondents only various amounts such as Leave Salary/DCRG, Arrear Wages etc have been paid as late as 2007 and thus there has been substantial delay in payment of all these dues to the Applicant. The Hon'ble Apex Court in the case of Union of India Vs. Justice S.S. Sandhawalia (1994) 2 SCC 240 clearly held that once it is established that an amount illegally due to a party was not paid to it, the party responsible for holding the same must pay with interest at a rate considered reasonable by the Court that dues payable to the individuals cannot be restrained for an unreasonable period by the Govt. In case of delay in payment interest as to be paid by the Govt. Accordingly, the O.A. is allowed. It is declared that the Applicant is entitled to get interest @ 9% from January, 2005. The Respondents are directed to calculate the same and make payment of the Applicant within 08 weeks from the receipt of the order. No order as to cost.

MEMBER (JUDICIAL)