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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION No. 64 OF 2007
CUTTACK, THIS THE 20th DAY OF May, 2009

Sujata Das..... Applicant

Vs

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

(C.R. MOHAPATRA)
MEMBER (ADMN.)

(K. THANKAPPAN)
MEMBER (JUDL.)

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CORAM :

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)
HON'BLE MR. C.R. MOHAPATRA, MEMBER(A)
.....

Smt. Sujata Das, aged about 42 years, Wife of Shri Narayan Behera, formerly Accountant, Office of the Accountant General (A&E), Orissa, Puri Branch, Puri at present residing at Plot No. 30, Madusudan Nagar, Unit-4, Bhubaneswar-1.

.....Applicant

Advocate(s) for the Applicants- M/s. Ms. Chitra Padhi,
Monalisa Devi, S. Behera.

VERSUS

1. Union of India represented through The Accountant General (A&E), Orissa, Bhubaneswar.
2. Sr. Deputy Accountant General (Admn.) Office of the Accountant General (A&E), Orissa, Bhubaneswar.
3. Accountant General (A&E), Orissa, Puri Branch, Puri.

..... Respondents

Advocates for the Respondents – Mr. U.B. Mohapatra.
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ORDER

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)

Non-granting of the increment necessitated the applicant to approach this Tribunal to have a direction to the Respondents to sanction annual increment in favour of the applicant from the date of her increment.

2. The brief facts of the case are as follows:

The applicant joined in the office of Accountant General, Orissa, Bhubaneswar as a clerk on 20.01.1989. Subsequently, she was promoted to different cadre and transferred from place to place and her basic pay has been fixed on the pay scale of Rs. 4500/- in the time scale of Rs. 4500-125-7000/-. However, the applicant found that while fixing her pay during 2000-2001, one increment was not given to her as provided under Fundamental Rule-24 of the Rules. Hence, she had represented the matter with the authorities. However, as the matter has not been considered by the authorities in time, he filed this O.A.

3. On filing the O.A., notice has been ordered and a counter has been also filed for and on behalf of the Respondents.

4. It is admitted in the counter that the pay fixation done during 2000-01, there was an error occurred and when the

representation has been received from the applicant it has been considered and it has been now corrected. It is also stated in the counter that since applicant absented from service for certain period, the above matter was not brought to the notice of the authorities. However, as per Annexure-R/1, the mistake has been corrected and the arrears payment on the basis of fixation of increment has been sanctioned.

5. After filing of the counter, the applicant filed a rejoinder on 25.10.2007. In the rejoinder, the applicant claimed another relief to the effect that as the default was not on her part she is entitled for interest for the entire amount because the rectification was made by the Department after a lapse of 6 years.

6. This Tribunal heard and considered the second relief claimed in the rejoinder and also heard Mr. U.B.Mohapatra, Ld. Sr. Standing Counsel for the Respondents.


7. As a matter of fact, the applicant remained absent for some time and the matter has been brought to the notice of the authorities very late, however, the matter has been considered properly and mistake has been rectified by the Department. In the above circumstances, according to the Ld. Counsel for the Respondents, the claiming of interest is not sustainable. On the basis of counter affidavit only question

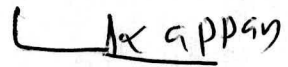
which remains in this O.A. is with regard to the claim of the applicant for interest whether it is sustainable or not?

8. It is an admitted fact that she was absent from service and that absence was only regularized on her joining and producing all the necessary certificate required as per the service rules and that is why a delay occurred.

9. In the above circumstances, this Tribunal is of the view that applicant is not entitled for any interest for the amount, which has been already allowed and sanctioned as per Annexure-R/1. This Tribunal also see that though as per Annexure-R/1, arrears and increments have been sanctioned but that was not paid to the applicant, hence we direct the Respondents to pay the amount sanctioned as per Annexure-R/1 within 30 days from the date of receipt of a copy of this order, if not paid by this date.

10. Accordingly, the O.A. is disposed of without any order for costs.


(C.R. MOHAPATRA)
MEMBER (ADMN.)


(K. THANKAPPAN)
MEMBER (JUDL.)

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