

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 800 of 96

Date of order : 3.1.2005

Present : Hon'ble Mr.A.V.Haridasan. Vice-Chairman (J)
Hon'ble Mr.G.R.Patwardhan. Administrative Member

S. C. DAS

VS

UNION OF INDIA & ORS.

For the applicant : Mr.A.P.Deb. counsel (proxy)

For the respondents: Mr.M.S.Banerjee, counsel

O R D E R

A.V.Haridasan. VC(J)

Mr.A.P.Deb, 1d.counsel appears and submits that Ms.B.Banerjee, 1d.counsel appearing for the applicant is indisposed and is not able to attend the Court today. Mr.M.S.Banerjee, 1d.counsel for the respondents is present. The OA has been filed for the following reliefs :

- a) declaration that the applicant is entitled in law to be promoted to the post of SW in MES under E-in-C's Branch, AHQ in higher scale of Rs.3200-4500/- by antedating promotion order dated 28.12.95 (Annexure A/9) to February/March, 1994. when his junior got such promotion, and to pay fixation in higher post with all increments in lower scale of Rs.2200-4000/-, notwithstanding the minor penalty of censure order dated 10.7.95 (Annexure A/8);
- b) order directing the respondents to withdraw, cancel or rescind the promotion order dated 28.12.95 (Annexure A/9) by antedating applicant's promotion to the post of SW in MES under E-in-C's Branch, AHQ, in higher scale of Rs.3000-4500/- when his junior got such promotion in February/March, 1994 and to fix pay in the higher post with all increments in lower scale of Rs.2200-4000/- and to pay all arrears of pay and allowances together with arrears of charge allowance, Tribal allowance, TA/DA on permanent transfer, etc. and to allow all other consequential benefits;
- c) interest @ 18% on all arrears payable;
- d) any other relief or modified relief which may seem fit and proper.

2. The applicant has filed a Supplementary Affidavit on 22.3.2001 wherein in paragraph 9(b) it was prayed as follows :

"having taken into consideration the aforesaid subsequent events the reliefs (a) and (B) claimed in the original application are to be treated as 'Not Pressed'."

...2/-

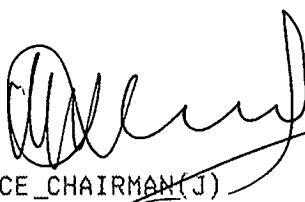
3. The Supplementary reply has been filed by the respondents stating that the promotions have been given to the applicant and all arrears have been paid to him but without interest.

4. In view of the developments which have taken place after filing of this application inasmuch as substantive reliefs claimed by the applicant have already been granted the controversy in this case is narrowed down to the claim of interest only. It is seen the applicant has claimed 18% interest. It is also evident that there was delay in considering the applicant for promotion and disbursement of arrears of pay and allowances. We are therefore of the considered view that the interest of justice would be met if the respondents are directed to give interest @ 6% to the applicant.

5. In the result, in the facts and circumstances of the case, we dispose of the application directing the respondents to give the applicant interest @ 6% on the arrears of pay and allowances within 3 months from the date of communication of the order. No order as to costs.

SPC
MEMBER(A)

in


VICE-CHAIRMAN (J)