

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH.

O.A. No. 417/1996

Present : Hon'ble Mr. B.P. Singh, Administrative Member.
Hon'ble Mr. M.L. Chauhan, Judicial Member.

Sri Prosad Kumar Banerjee, son of.
Late H.B. Banerjee, aged about 55 years,
residing at 5/6, Pitamber Banerjee Lane,
Bally at Howrah, working as Office
Superintendent, Establishment Section,
Statistical Office, Eastern Railway, Howrah.

- v e r s u s -

1. Union of India, service through
The General Manager, Eastern Railway,
17, Netaji Subhas Road,
Kolkata-700 001.
2. Chief Personnel Officer,
Eastern Railway,
17, Netaji Subhas Road,
Fairlie Place,
Kolkata-700 001.
3. The F.A. & C.A.O (WST)
Eastern Railway,
17, N.S. Road, Kolkata-700 001.
4. The Dy. Chief Electrical Engineer (Con)
/R.E., South Eastern Railway,
Garden Reach, Calcutta. Now designated
as G.M. (Personnel), Central Organisation
for R.B., Nawab Yusuf Road,
Allahabad-211 001.
5. The Statistical & Analysis Officer,
Eastern Railway, Howrah.

...Respondents.

For the applicant : Mr. B. Mukherjee, counsel.

For the respondents : Mr. R.K. De, counsel.

Date of order: 17.04.2002

O R D E R

B.P. Singh, AM

Sri Prosad Banerjee, Office Superintendent, Establishment Section,
Statistical Office, Eastern Railway, Howrah has filed this O.A. against
the order of rejection requesting for two yearly increments and refixation

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of pay accordingly . The applicant has prayed for the following reliefs:-

"8.

- a) Direct the respondents to give the applicant two yearly increments from 1970-71 and 1971-72 and fix his pay in the manner as mentioned in para 4.19 of this application and further fix his pay accordingly as mentioned above.
- b) Direct the respondents to pay the arrear balance amount of pay from the date of such accrual to the date of actual payment alongwith 18% interest."

2. The fact of the case is that the applicant was selected by the Railway Service Commission for the post of clerk Gr.II in the scale of Rs.110-180/- for Eastern Railway Headquarters Office. He was initially appointed as a clerk Gr.I by the Railway Electrification (A temporary organisation) and was posted under DOS (E)/Railway Electrification w.e.f. 4.3.1964. His lien as clerk Gr.II was fixed in the Eastern Railway by the Chief Personnel Officer, Eastern Railway, Kolkata. He was promoted to the post of Senior Clerk in the pay scale of Rs. 130-300/- w.e.f. 1.11.1965. On reduction of Establishment of Railway Electrification at South Eastern Railway, the South Eastern Railway Administration rendered the applicant surplus and issued orders as per Annexure-A/2 transferring him back to Eastern Railway i.e. to the applicant's parent Railway w.e.f. 1.7.1970 reverting him to the post of Clerk Gr.II in the scale of Rs.110-180/-. This order was passed when the applicant was in sick leave and as such he did not have any knowledge of impugned order. The applicant with other employees filed a writ petition under Art. 226 of the Constitution before the Hon'ble High Court Kolkata as Civil Rule No. 4269 (W) of 1970 in the matter of Tapas Kumar Sengupta & Ors. -Vs- Union of India and Ors. and got an interim order of injunction. In reference to this matter the applicant was retained in the Office of District Engineer (C), Kharagpur, South Eastern Railway Electrification vide order dated 26.09.1970 as per Annexure-A/3. By this order the applicant was directed that he shall sign the attendance register as

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usual but no work can be assigned to him. The applicant was regularly attending the office and doing his duties and getting salaries and usual yearly increments alongwith other service benefits and facilities. After the case of the applicant was disposed of by the Hon'ble High Court he was transferred back on 25.4.1972 vide Annexure-A/4 to his parent Department viz. Eastern Railway as Clerk Gr.II and with direction to be posted as Clerk Gr.II in the scale of Rs.110-180/-. The applicant submits that he was not allowed increment on 1.11.1971 either in the officiating grade or in the substantive grade which fell due on 4.3.1971 and subsequently on 4.3.1972 which was the date of yearly increment. He further submits that subsequently the date of increment was deferred by 1 year, 4 months and 17 days upto 21.7.1972 and as a result of that he was deprived to two increments due on 4.3.1971 and 4.3.1972 in the substantive grade. Being aggrieved the applicant made representation dated 6.5.1972 as per Annexure-A/5 soon after joining Eastern Railway. He gave further representation on 3.5.1977. The respondent authorities replied on 28.6.1977 on his representation as per Annexure-A/6. That representation was under reference with the Railway Board. The applicant was replied by the respondents in reference to Railway Board decision on the subject vide Annexure-A/7, In 1982(exact date not given) that the Railway Board have decided to treat the 'No work' period of the applicant as leave due and admissible including extra ordinary leave with details of payment already made. The respondent authorities further intimated that the service records including the attendance register relating to the period of 'No work' were being collected for examination and assessment of payment etc. As soon as these records are collected and examined the details will be sent to the Railway Board for further direction. Thereafter the Statistical & Analysis Officer vide his letter dated 26.4.1993 as per Annexure-A/8 requesting the Deputy Chief Electrical Engineer (Con)/RE, South Eastern Railway, Calcutta to send the details as promised in their communication undated as per Annexure-A/7. In this communication the Statistical and Analysis Officer

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specifically drew the attention of the respondent authorities to the fact that the applicant was allowed to sign on the attendance register during the 'No work' period by the competent authority w.e.f. 10.09.1970 to 27.1.1972 and the applicant was granted his last increment on 1.11.1970 which falls within the period of 'No work'. In spite of the above letter no action has been taken by the South Eastern Railway authorities or Eastern Railway authorities knowing~~ly~~ fully well that the applicant was due to retire soon and if the period remained undecided, he will be deprived of his due D.C.R.G. and other retiral benefits. The matter was also taken up by the Railway Congress Union vide its letter dated 6.6.1994 as per Annexure-A/9. The applicant further gave representation dated 3.5.1994 as per Annexure-A/10. The Statistical & Analysis Officer, Eastern Railway, Kolkata vide its order dated 15.6.1994 as per Annexure-A/11 requested the C.P.O. Eastern Railway, Kolkata to consider the case of the applicant regarding 'No work' period, non-drawal of increment, deferment the date of annual increment etc. The applicant was informed on 18.8.1994 as per Annexure-A/12 ^{that} his case was under consideration and necessary directions were awaited. The applicant was informed about the decision of the C.P.O. in reference to Annexure A/12 by Annexure- A/13 on 27.1.1995 by one line order that "The date of increment has been fixed rightly." The applicant submits that he obeyed the order of the competent authority and signed the attendance register w.e.f. 10.9.1970 to 27.1.1972 ~~and he was present in the office during the above period and he was not absent from the office during the above period~~ ^{and} therefore, the question of 'No work' should not arise. The applicant was always in the working place during the above period. He was present in the office and it was the duty of the competent authority to come to him and take work from him. The applicant never ran away from discharging his duties allotted to him. Therefore, the question of 'No work' does not arise. Therefore, non-drawal of due increment for the allotted period of 'No work' i.e. 10.9.1970 to 27.1.1972 is not proper and according to the rules. Due leaves earned during the period were credited in the account of the applicant for the said period from 10.9.70 to 27.1.1972. It is thus clear that the entire period was treated as

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duty and, therefore, the period being duty period should ^{count} ~~be~~ for drawal of due increments during the period. But the applicant was deprived of the due increment by the respondent authorities which has affected his service benefits as well as shall affect retiral benefits. During the said period the applicant has got the salary and allowances and earned all the due and admissible leaves. Therefore, the question of non-qualifying service for the period from 10.9.1970 to 27.1.1972 on vague ground 'No work' should not arise. Being aggrieved with the above the applicant has approached this Tribunal with the prayer for direction upon the respondent authorities to give two yearly increments and to fix his pay accordingly and pay the balance payment due to him from the date of accrual with interest.

3. We have heard Mr. B. Mukherjee, Id. counsel for the applicant and Mr. R.K. De, Id. counsel for the Eastern Railway-respondents. Mr. De has stated that he is holding the brief only for the Eastern Railway-respondents and he is not appearing for the S.E. Rly. and as such the reply filed in this O.A. may also be treated as having been filed on behalf of the Eastern Railway. There is no separate reply filed on behalf of the S.E. Rly. nor any counsel has appeared on its behalf during the course of argument. As such, S.E. Rly. respondent No.4 is being proceeded ex parte.

4. Sri B.Mukherjee, Id. counsel for the applicant has reiterated the facts and submitted that the applicant has been doing his duties and getting salaries and annual increments upto 11.9.70 alongwith other service benefits. The due date of first increment in the grade of Junior clerk was 4.3. ~~of~~ of the year while the date of increment in the promoted post of Sr. Clerk was 1st November 1966. The applicant drew increment due on 1.11.1970. In the promoted grade of Sr. Clerk the next increment became due on 1.11.71 which was not drawn. The increment was also not due drawn in the substantive grade of Jr. clerk after the same became due on 4.3.1970. The period from 10.9.1970 to 27.1.1972 was treated as period of 'No work' and hence the increment was not drawn. The applicant was directed to resume his duties as Sr. Clerk vide order dated 26.9.1970 in view of interim injunction passed by the Hon'ble High Court Kolkata with direction to sign attendance register

as usual but no work could be assigned to him vide Annexure-A/3. The Id. counsel submits that the applicant attended the office and signed attendance register as per order dated 26.9.1970. He was thus present in the office and was entitled to annual increment like other entitlements viz. salary and allowances, leave, pass etc. during the said period. The Id. counsel further submitted that the denial of the incremental benefits to the applicant on the ground that attendance register for the period was not traceable is not convincing and reasonable. There is no allegation that the applicant did not attend the office and sign on the attendance register during the said period. The date and responsibility for keeping the attendance register lied on the respondent authorities. It was for them to trace out the register and satisfy themselves whether the applicant attended office and signed on the attendance register. The Id. counsel further submitted that passing of the entire responsibilities for no-grant of due increments and consequential benefits of fixation of pay and other service benefits on non-availability or tracing out of the attendance register for the period has no valid and convincing reason for denial of his prayer regarding drawal of increment etc. Therefore, when the applicant attended the office and signed attendance register, drew the pay and allowances of each month of the period and required entries in his service book regarding other service benefits were made, he is entitled for the increments and other consequential benefits as well.

4.1. The Id. counsel further submitted that in view of these facts viz. drawal of pay and allowances for each month, entry of other service benefits in the service book of the applicant for the period and grant of other benefits etc. non-drawal of annual due increment and counting of the period in the qualifying service is totally unreasonable and irregular. The applicant is entitled for drawal of due increment as well as for counting of the period towards qualifying service as stated by the applicant in para 4.19 of the application. The question of 'No work' is a vague term and cannot and should not be made applicable in the case of the applicant. The theory of 'No work' is followed by "nonpay".

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But in the case of the applicant the theory of alleged 'no work' is followed by the disbursement of the pay and allowances and grant of all other service benefits except annual increment and counting of the period for qualifying service. The applicant was always present on his working place during the duty period and signing the attendance register as required. Therefore, the question of 'no work' with consequential effect of no annual increment and non-counting of the period in the qualifying service does not arise.

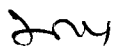
4.2. The Id. counsel further submitted that it is not the case of the respondents that the applicant did not perform the allotted duties or he was absent from the office. In other words, the applicant was present in the office during the duty period and has performed the duties whatever were allotted to him. If no duty was allotted to the applicant by the respondents, the fault lies on the part of the respondents and not on the part of the applicant and, therefore, the liability for such fault should also lie on the respondents and not on the applicant.

4.3. The Id. counsel has also drawn our attention to Railway Establishment Code Vol.II Rule No. 107 which provides for qualifying service and the method of its calculation. This rule does not provide that 'No work' period should be deducted from the qualifying service and, therefore, any action of the respondent authorities to deduct the period of alleged 'No work' from the counting of qualifying service will be against the above provisions. The Id. counsel submitted that the applicant was all through present in the office during the period from 10.9.1970 to 27.1.1972 when he signed on the attendance register and performed the duty allotted to him by the respondent authorities. He has already been paid the pay and allowances for the entire period and all the service benefits which accrued for the period have been allowed to him, therefore, the denial of the said period for grant of annual due increment and counting of the period in qualifying service is irregular against the provisions of the rule. The applicant is entitled for annual

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increment which became due during the period and fixation of pay and allowances after adding of the due increments. The applicant will also be entitled to get the benefit of counting of the above period in his qualifying service and/or other related service benefits during the service period and pensionary benefits after retirement. Therefore, the Id. counsel pleaded forcefully that the application of the applicant should be allowed by granting reliefs as prayed for.

5. The E.R. respondents have contested the application by filing reply. The respondents have denied or have not admitted the allegations/statements which are not matter of record. The Id. counsel for E.R. - respondents has submitted that the applicant was selected for the post of Clerk Gr.II for Eastern Railway HQrs. office. He was officially appointed as Clerk Gr.II by the Railway Electrification (Temporary Organisation) and was posted there w.e.f. 4.3.1964. His lien as Clerk Gr.II in the scale of Rs. 110-180/- was fixed in the Eastern Railway by the Chief Personnel Officer. The applicant was promoted to the post of Sr. Clerk in the scale of Rs.130-300/- w.e.f. 1.11.1965. On reduction of the establishment of the Railway Electrification the applicant was rendered surplus and was issued order transferring him back to Eastern Railway w.e.f. 1.7.1970 reverting him to the post of clerk Gr.II in the scale of Rs.110-180/-. On the grant of injunction by the Hon'ble High Court Kolkata on the order of reversion to the lower post and transfer him to his parent Railway, the applicant was placed on 'No work' w.e.f. 11.9.1970 on expiry of his leave from 26.6.70 to 10.9.70. Subsequently orders were issued to withdraw the applicant from 'No work' notice and post him as Sr. Clerk in the scale of Rs.130-300/- vide order dated 28.1.1972. The applicant in reference to the above order requested the respondent authorities for cancellation of his transfer order. He was transferred to his parent railways and posted in Eastern Railway w.e.f. 26.4.1972 as Clerk Gr.II in the scale of Rs.110-180/- at the pay of Rs.128/-. The Id. counsel further submitted that from the entry in the service record of the applicant it is seen that he was granted annual increment on his substantive grade viz. clerk Gr.II in the scale of Rs.110-180/- raising his pay to Rs.128/- on 4.3.1970 and in officiating



grade of Sr. Clerk in the scale of Rs.130-300/- raising his pay to Rs.155/- w.e.f. 1.11.70. He should have drawn Rs. 135/- in the scale of Rs.110-180/- at the time of his transfer to Eastern Railway w.e.f. 26.4.1972 but in the transfer order his pay was fixed at Rs.128/- in his substantive grade of Rs.110-180/-. The applicant made appeal to CPO Eastern Railway who replied that on the basis of court injunction the staff placed on 'No work' are only entitled to protection of last pay drawn and no increment in time scale should be granted as a matter of course unless they are posted against regular post and they complete the period of 12 months duty on such post. The period spent on 'No work' will not count for increment. On receipt of the above clarification the applicant's annual increment as Clerk Gr.II was deferred for 1 year, 4 months and 17 days from 11.9.70 to 27.1.72 the period, the applicant was placed under 'No work' notice.

5.1. The Id. counsel further submitted that the applicant made appeal against the above order on the ground that he was allowed to sign attendance register as usual during no work period by the competent authority. This fact was directed to be verified but same could not be verified as the attendance register could not be traced. The S.E. Railway was approached a number of times to clarify whether 'No work' period is to be counted for increment³ etc. but no reply was received except one dated 1.11.94 by which it was stated that the date of increment of the applicant has been fixed rightly.

5.2. The Id. counsel further submitted that the apprehension of the applicant that not counting of 'No work' period in the qualifying service will affect his pensionary benefits is not factually correct and baseless. The applicant joined service on 4.3.1964 and has superannuated on 30.9.98 after putting in 34 years, 6 months, 27 days total service. Even if the period of 'No work' viz. 1 year, 4 months and 17 days is not counted as qualifying service for the total service the qualifying service still would be 33 years, 2 months and 10 days which is above 33 years of maximum qualifying ^{Service} and, therefore, the apprehension of the applicant is not correct.

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5.3. The Id. counsel further submitted that the applicant was granted annual increment upto 1.11.70 i.e. after he was placed on 'No work' duty w.e.f. 11.9.70. It is presumed that he was paid his salary and allowances, granted leave and issued passes and PTOs, leave etc. due to him was credited in his service records during the said period. In other words, the Id. counsel submitted that he was granted all the service benefits except grant of annual increment which became due during the period and the same was not drawn in view of the orders of the CPO referred to above.

5.4. The Id. counsel further submitted that the fact of signature on the attendance register during alleged period of 'No work' could not be verified as the attendance register was not traceable. In spite of this the CPO decided the representation of the applicant that the increment was drawn correctly in the case of the applicant. The Id. counsel has further submitted that the apprehension of the applicant regarding counting of 'No work' period in the qualifying service could affect his retiral benefits is not factually correct as already stated above. In view of the above, the Id. counsel submitted that the respondent authorities have acted according to the order of the competent authority and according to the rules and the apprehension of the applicant regarding qualifying service is factually not correct. In view of the aforesaid facts and circumstances of the case the application has no merit for consideration and the application should be dismissed.

6. The applicant has also filed rejoinder to the reply and has repeated the same pleadings which he has stated in his O.A. However, the applicant has re-emphasised the issue relating to non-grant of annual increment for the period during 'No work' period. The applicant has admitted that no doubt he had maximum qualifying service of 33 years on the date of superannuation excluding the period of 'No work' and, therefore, his pension may not be affected by non-computation of the period of no work, but so far as other pensionary benefits as well as fixation of pay during the service period are concerned that will be adversely affected. There appears a point to be considered on this count.

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7. From the above it is clear that the only point which remains to be considered in this O.A. is whether the order of 'No work' period with order not to count the same for increment is regular and legal. The order of the CPO dated 29.4.72 is the only authority which has been stated in para 6.5. of the reply for the order of 'No work' and not counting of the period of 'No work' for increment and the same is reproduced as under:-

It has been decided by CPO that on the basis of Court injunction the staff placed on 'No Work' are only entitled to protection of pay last drawn i.e. on the date of which they were placed on 'No work' notice and no increments in their time scale as a matter of course.

If any of them on being withdrawn from 'No work' notice is posted against a regular post he may be granted increments on completion of 12 months duty period and the period spent by him on 'No work' notice will not count for increments."

7.1 The order of CPO reproduced above provides for placing a Govt. servant on 'no work' status and during the period of 'No work' such a staff will only be entitled to protection of pay last drawn and no increment will be admissible as a matter of course. On our specific query to the Id. counsel for the respondents to produce any rule or administrative instructions in this respect the Id. counsel was not in a position to produce the same except the order reproduced above.

7.2. From the fact of the case it has been admitted by both the sides that during the period of 'No work' the applicant drew the pay and allowances, earned different types of leaves due and admissible and was granted all other service benefits which a regular Govt. servant is entitled to.

7.3. The applicant was not allowed the annual increment for the period of 'No work'. The earning of annual increment is dependent on 12 months service by a Govt. servant. In this case, we have to see whether the applicant has performed the duties during the period of

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'No work' as ordered to him. From the order dated 26.9.70 the applicant was directed to resume duties and sign the attendance register w.e.f. 11.9.70 as per Annexure-A/3. It was further directed that 'No work' can be assigned to him. We have to see whether this specific direction given in this order was complied with by the applicant. The applicant has stated that he resumed his duties as Sr. Clerk and signed the attendance register on 11.9.70 and remained present in the Office and signed the attendance register as ordered and verified whatever work was assigned to him. If no work was assigned to him by the respondents the applicant was not responsible for the same. It was the duty of the respondents to assign the duties and take work from the applicant and if anybody has failed in this responsibility it is the respondents and not the applicant.

7.4. The applicant was present through the period of alleged 'No work'. He has signed on the attendance register. There is no allegation either in the reply or made during the hearing against the applicant that he was absent during the period and did not obey the orders of the respondent authorities. The only fact stated by the respondent authorities is that the signing on the attendance register by the applicant could not be verified from the attendance register as the same was not traceable in the office of the respondents. This was, of course, not the failure on the part of the applicant but on the part of the office of the respondents and non-production of the attendance register or non-traceability of the attendance register was the responsibility of the respondents for which they and only they could be also liable and responsible. The applicant obeyed the order dated 26.9.70 and complied with the direction given therein without any complaint from the side of the respondents. We find that the applicant was present

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in the office during the period of alleged 'No work' and he discharged whatever duty and responsibility was assigned to him by the respondent authorities. In token of being present in the office during the period of alleged 'No work' the applicant has appended his signature on the attendance register of the concerned period. We do not see any reason as to why the entire period of alleged 'No work' during which the applicant was present in the office and performing the duties assigned to him should not be treated as duty period for the purpose of earning annual increment as the same has been treated as duty period for the purposes of earning due and admissible leave of various kinds and other service benefits. We do not agree with the stand taken by the respondent authorities in respect of non-grant of annual increment and other consequential benefits after grant of all other benefits. We are fully convinced that the respondent authorities have acted illegally and irregularly against the principles of natural justice by not granting the annual increment and other consequential benefits.

8. The matter may also be examined from another angle. While defending the action taken by the Eastern Railway and putting entire blame for inaction on the part of the S.E. Railway in not releasing the increments to the applicant, our attention was also drawn to the various averments made in the reply affidavit. At this stage, we would like to reproduce the averment made in para 20 of the reply as under:-

"20. That with regard to paragraph 4.15 of the said application, it is stated that the Eastern Railway had no such intention to deprive the applicant because several correspondences were made with S.E. Railway including from FA & CAO and Additional CPO/Eastern Railway. In this connection xerox copies of FA & CAO/Eastern Railway/ Calcutta's letter dated 28.11.80 and Addl. CPO/Eastern Railway/ Calcutta's D.O. letter dated 21.7.81 are annexed hereto and collectively marked with the letter R/4."

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From a perusal of letter dated 28.11.80 at Annexure-R4, two things are clear : (1) that in similar case, one Shri D.R. Chatterjee, Ex-Office Superintendent under CSTE/RE/S.E. Rly./Calcutta, was placed under "No Work" period sometime in 1971, but he had been allowed to get the benefit of his annual increments by treating that period as duty; (2) that the case of Shri D.R. Chatterjee is similar to that of Shri P.K. Banerjee (applicant), as both were allowed to sign on the attendance register during the "No Work" period and got their salaries and other allowances. Thus from the averments made above, it is quite evident that the applicant has been discriminated in the matter by not allowing any increment to him whereas similar benefit was extended to Shri D.R. Chatterjee. In ^{our} ~~or~~ view, such action of the respondents cannot be sustained on any ground.

9. It is well settled that increment in a time-scale of pay is allowed to be drawn after the usual period as a matter of course unless the same is withheld by the competent authority for good and sufficient reasons. Nothing has been brought on the record to show that any order has been passed by the competent authority to withhold the increment of the applicant. In the absence of any such material, we are of the firm view that the action of the respondent authorities in withholding the increment of the applicant is not legally valid and cannot be justified on any account.

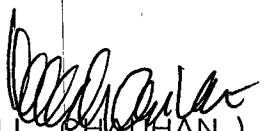
10. During the course of argument, Mr. R.K. De, Id. counsel for the Eastern Railway (respondents) has drawn our attention to the decision of the Apex Court as reported in (1995) 30 ATC 635 (Secretary to Govt. of India & Ors. -vs- Shivram Mahadu Gaikwad) and contended that this application is hopelessly barred by limitation.

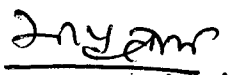
At the outset, it may be stated that the contention raised by the Id. counsel for the Eastern Railway-respondents deserves outright rejection. From the stand taken in the reply affidavit, it is quite evident that the case as set out by the Eastern Railway-respondents in their



reply is that the Eastern Railway authorities were pursuing the matter with higher authorities and it is on account of lapses on the part of the higher authorities/S.E. Rly. that the matter regarding release of increments to the applicant could not be considered and decided. In view of the specific stand taken by the Eastern Railway authorities in their pleadings, it does not behove to them to take the point of limitation to defeat the legitimate and genuine cause of the applicant. Thus the ruling cited by the learned counsel for the Eastern Railway respondents is of no assistance and cannot be made applicable to the facts and circumstances of the case.

11. In view of the above, we find substantial merit in the case and allow the application by directing the respondent authorities to draw the admissible annual increment during the alleged period of "No Work" and fix the pay and allowances of the applicant thereafter and grant the due amount, if any, to the applicant during the service period as well as re-fix the pension and pensionary benefits in accordance with such grant of increment and re-fixation of pay and grant the amounts due, if any, to the applicant for the period of retirement till date. The above exercise will be done within the period of three months from the date of communication of this order. If the respondents failed to pay the due amount, if any, to the applicant within the above stipulated period, it is ordered* that they shall pay the interest at the rate of 10% on the total amount from the date the same became due till the date actual payment is made. We also order the respondent authorities to pay a cost of Rs.5,000/- to the applicant within the same period as stated above.


(M.L. CHAUDHAN)
Member (J)


(B.P. SINGH)
Member (A)