

CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.

Original Application No. 161 of 1997.  
Jodhpur, the 11th day of Nov., 1997.

Jewan Parkash Punj S/o Late Sh.Jagan Nath, Retd. Accounts  
Assistant, Workshop, Northern Railway, Bikaner, R/o 27, Sohan  
Kothe, Bikaner.

.....Applicant.

Versus

1. Union of India through General Manager, Northern Railway, H.Q. Office, Baroda House, New Delhi.
2. Secretary, Railway Board, Rail Bhawan, New Delhi.
3. Financial Advisor and Chief Accounts Officer, Northern Railway, H.Q. Office, Baroda House, New Delhi.
4. Workshop Accounts Officer, Northern Railway, Bikaner.

.....Respondents.

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C O R A M :

HONOURABLE MR.A.K.MISRA, JUDICIAL MEMBER.

For the Applicant

.....Mr.Y.K.Sharma.

For the Respondents

.....Mr.V.D.Vyas.

BY THE COURT :

1. The applicant has filed this O.A. with the prayer that respondents be directed to fix the pay of the applicant as per the instructions laid down in Annex.A/2, the respondents may further be directed to pay the arrears of salary by virtue of fixation of pay, the respondents may also be directed to pay all pensionary benefits according to the pay fixed alongwith the interest @ 12% p.a. on the delayed payment on account of late fixation of pay.

2. Notice of this O.A. was issued to the respondents. Before the respondents filed their reply, applicant on 24th July, 1997 informed the Tribunal that all benefits as prayed by him, except the prayer relating to interest, have been granted by the respondents. Therefore, dispute relating only to interest, is required to be decided.

3. The respondents have filed their reply in which they have stated that the applicant has been paid according to refixation. The matter was quite old and ~~arrears of pay~~ from 1973 till the date of applicant's retirement had to be worked out, therefore, time taken in refixing the pay of the applicant and making payment to

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him was quite reasonable. The applicant is not entitled to any interest. The O.A. deserves to be dismissed.

4. The applicant has filed rejoinder to the reply of the respondents describing various circumstances of delayed payment and reiterated his claim for payment regarding interest.

5. I have heard the learned counsel for the parties and gone through the record.

6. It appears that the applicant had prayed for refixation of his pay in pursuance of order Annex.A/2 vide his representation dated 18.4.1996, Annex.A/4 and thereafter, went on reminding the respondents for refixation of his pay by Annexs. A/3 and A/4 but his pay was not fixed as per his representation any time during 1996. Although, the Workshop Accounts Officer sought clarification from his higher authorities vide his letter dated 26.4.1996, Annex.A/5 but still respondents took no steps for fixing the pay of the applicant.

7. The applicant filed this O.A. in April 1997 and the pay of the applicant was fixed and paid only after respondents had received notices from the Tribunal. Had the respondents fixed the pay of the applicant earlier on his representation, applicant could have been saved of all the troubles and filing the O.A. Therefore, in my opinion, respondents cannot escape the liability of paying interest on the ground that the matter was relating to the year 1973 onwards up to 1989. Now, the question is, as to what should be the reasonable time for fixing the pay of the applicant as per letter Annex.A/2 dated 7.2.1996.

8. I have considered this aspect. The Railways being a big organisation, I feel that as per this Circular reasonable time of four months could have been taken by the respondents in fixing the pay of the applicant and other employees similarly situated either in service or superannuated. Therefore, in my opinion, respondents are liable to pay interest on the amount of arrears relating to pay from 8th of June, 1996. Had this amount been paid to the applicant when it became due, he could have invested the amount which would have fetched a return by way of interest in long term investment of Banks @ 12% p.a. Therefore, it is reasonable to award interest to the applicant @ 12% p.a.

9. After fixation of pay, the relevant entries were required to be made in service record by calling the papers from pension department and then revised P.P.O. would have been issued, this

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would have again taken some time. Since the arrears of pension have also been paid to the applicant alongwith <sup>the</sup> amount of pay fixation, therefore, I do not consider it fit to award interest on the amount of pension to the applicant. The prayer in this regard is refused.

10. The O.A. is, therefore, partly accepted. The applicant is entitled to get and respondents are liable to pay interest to the applicant on the delayed payment of pay fixation arrears from 8th of June, 1996 till payment was made @ 12% p.a. The respondents are directed to comply with the order and make payment of interest within two months from today.

11. The parties are left to bear their own costs.

8/3/1997  
(A.K.MISRA)

Judicial Member

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mehta