

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

..... Date of order : 29.09.1999

O.A.NO. 251/1998

Shri Mahaveer Prasad S/o Shri Raghunathji, aged about 44 years
R/o 11-A Prem Nagar, Sriganganagar (Raj) presently working as a
Stenographer Grade II in the office of C.W.E. Sriganganagar (Raj).

.....Applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, Government of India, New Delhi.
2. Controller of Defence Accounts, Western Command, C.D.A. Building, Sector 9 'C' Chandigarh.
3. Commander Works Engineer C/o Headquarters C.W.E. Sriganganagar (Raj).

.....Respondents.

.....
CORAM :

HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

.....
Mr.S.K.Malik, Counsel for the applicant.

Mr.K.S.Nahar, Counsel for the respondents.

.....
PER MR.A.K.MISRA :

The applicant has filed this O.A. with the prayer that the respondents be directed to make payment of arrears of pay on promotion to the post of Stenographer Grade II in the pay scale Rs.1400-2600 (RPS Rs.5000-8000) per month w.e.f. 27.9.1992 till the date of payment. The respondents be further directed to release the annual grade increments w.e.f. 1.8.1997 and thereafter

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make payment of arrears which become due to the applicant along with interest at the rate of 18% p.a.

2. Notice of the O.A. was given to the respondents who have filed their reply in which it is stated that after pay fixation and publication of Unit DO Part II No. 21/98 dated 18.5.1998 following payments were made to the applicant :-

"(a) Arrear on account of promotion with effect from 1/96 to 5/98	18766/-
(b) On account of arrear of increments for Aug 1997 And Aug.1998	2200/-
(c) On account of Vth Pay Commission balance amount	5305/-
(d) On account of arrear with effect from 6/96 to 12/98	7357/-"

3. The respondents have further stated that one arrear claim bearing Voucher No. 1057 dated 20.5.98 for Rs. 10,871/- on account of arrears from 27.9.92 to 31.12.95 is pending for want of sanction from the Engineer-in-Chief Branch Army Headquarters, New Delhi. It is further stated by the respondents that all payments including that of increments have been made to the applicant except one which is likely to be made shortly, therefore, the O.A. should be dismissed.

4. We have heard the learned counsel for the parties and gone through the case file.

5. The learned counsel for the applicant has admitted the receipt of payments as indicated in the reply. One payment as admitted by the respondents is admittedly due and has not yet been paid in spite of lapse of more than 15 months. The learned counsel for the applicant submits that applicant be awarded interest on the delayed and non payment of arrears.

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6. We have considered the aspect of granting interest on the delayed over-due payment of arrears but we are not inclined to grant interest to the applicant. Prayer to this effect is refused.

7. The respondents have admitted that payment of 10,871/- is yet to be made to the applicant but the same is being delayed because of sanction. Therefore, the O.A. can be disposed of with the direction to the respondents for making the said payment within a specific time.

8. The O.A. is, therefore, partly accepted. The respondents are directed to make payment of Rs.10,871/- to the applicant as admitted by the respondents themselves to be due to the applicant within a period of one month from the date of communication of this order failing which the applicant shall be entitled and the respondents shall be liable to pay interest at the rate of 12% on the aforesaid amount from today i.e. the date of order.

9. The claim relating to interest on the late payment as claimed is refused. The parties are left to bear their own costs.

Gopal Singh

(GOPAL SINGH)
Adm. Member

29/9/90
(A.K.MISRA)
JUDL Member

mehta

Reel



04/10/98

(S. K. Malhotra)

1st Copy
S. K. Malhotra 99
for H. S. Shah
10.10.98

Reel 2 and 3 destroyed
in accordance on 18.7.98
under the supervision of
section officer () as per
order dated 16/7/98

Section officer 