

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

..... Date of order : 19.9.2000

OA NO. 19/98

Laxmi Chand Agrawal S/o Late Shri M.R.Agrawal, aged 60 yrs, retired Permanent Way Inspector, Grade-I, under Dy.Chief Engineer (C-II, Northern Railway, Jodhpur, presently resident of C-104, Pratap Nagar, Jodhpur.

.....Applicant.

VERSUS

1. Union of India through the General Manager, Northern Railway, H.Q/Office, Baroda House, New Delhi.
2. Dy.Chief Engineer (C)-II, Northern Railway, Jodhpur.
3. Assistant Engineer (C), Northern Railway, Jodhpur.

.....Respondents.

CORAM

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

Mr.Y.K.Sharma, Counsel for the applicant.

Mr.S.S.Vyas, Counsel for the respondents.

PER HON'BLE MR.JUSTICE B.S.RAIKOTE :

This Application is preferred mainly for two reliefs which read as under :

- "A. That this Hon'ble Tribunal may kindly be pleased to direct the respondents to pay the amount of Rs. 15951/-.
- B. That the respondents may also kindly be directed to pay interest on the said amount at the rate of Rs. 18%

per annum as the said amount has been withheld arbitrarily and without any reason."

2. It is brought to our notice by the counsel appearing for the respondents that an amount of Rs. 15991/- as claimed by the applicant, has been given to the applicant vide Cheque No. E-802068 dated 30th March, 2000. The learned counsel for the applicant also submits that the applicant has received the said cheque. However, the learned counsel for the applicant insists on the second relief, claiming 18% interest on the aforesaid amount. It is not in dispute that the amount is being given to the applicant as Travelling Allowance dues. The matter of interest is not a rightful claim and it is the discretion of the Tribunal unless there is a provision for the same in an agreement or statute. Therefore, it is ultimately the discretion of the Tribunal under Sec. 34 of the Civil Procedure Code. Now, in the instant case, since the applicant has already got the main relief whatever he has prayed for, he is not held entitled to get the relief of interest. The application, therefore, does not survive. Accordingly, we pass the order as under :-

The Original Application is dismissed. The parties are left to bear their own costs.

Gopal Singh
(GOPAL SINGH)
Adm. Member

B.S. RAIKOTE
(B.S. RAIKOTE)
Vice Chairman

jrm