

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 290/00401/14

Jodhpur this the 19th April, 2016

CORAM

Hon'ble Ms Praveen Mahajan, Administrative Member

Dr Som Prakash Joshi S/o Shri Sheolal Joshi aged 62 years resident of Near Tapi Baori, Bhimji Ka Mohalla, Jodhpur last employed as Sr. Research Associate, Central Arid Zone Research Institute Jodhpur.

.....Applicant

(By advocate : N.M. Vyas)

Versus

1. The Secretary, Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi.
2. The Director General, Indian Council of Agriculture Research, Krishi Anusandhan Bhawan-II, Pusa, New Delhi-110012.
3. The Director, Central Arid Zone Research Institute, Jodhpur – 342 003.

(By Advocate : Mr A.K. Chhangani)

.....Respondents

ORDER (Oral)

Praveen Mahajan The present application has been filed, seeking direction for the respondents to pay interest, on the enhanced emoluments since 01.04.1994 and from different dates in between, which had been withheld and paid

only on 29.03.2013, at the rates current from time to time and as payable on GPG Accounts compounded annually.

2. The case of the applicant is that he had been working since 07.04.1983 in CAZRI as casual labour upto 25.03.1985. He was then engaged as Senior Research Fellow (SRF) w.e.f. 26.08.1985 at fixed emoluments of Rs 600/- p.m. (consolidated) and then from 01.04.1986 @ Rs 900/- p.m. by the CAZRI. After being sponsored by the Employment Exchange, he was engaged as Direct Recruit SRA-Senior Research Associate, on a fixed consolidated rate of Rs 1800/- p.m. and was granted enhanced pay scale of Rs 3200-100-3700 w.e.f. 01.04.1988. Thereafter, the Indian Council of Agricultural Research (ICAR), New Delhi revised the emoluments for those engaged in Research Scheme from time to time vide orders dated 04.01.1995 (Annex. A/3), 14.10.1998 (Annex. A/5). The CAZRI sought permission of ICAR to grant enhanced emoluments to the applicant vide letters dated 31.03.1997 (Annex. A/4) and 07.12.1998 (Annex. A/6). In the meantime, this Hon'ble Tribunal vide order dated 11.10.1990 passed in OA No. 453/90 restrained the respondents to terminate the services of the applicant and directed the CAZRI to find out some Scheme/Project for reemployment of the applicant. The case went up to the Hon'ble Supreme Court, and was again remanded back to the CAT.

The CAT Jodhpur Bench vide orders dated 15.05.1998, 13.11.1998 and 28.09.2000 directed the respondents to consider the case of the applicants.

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The applicant alongwith 03 others could not be appointed for want of any post.

Meanwhile, the CAZRI, Jodhpur vide their letter dated 08.03.2002 (Annex. A/9) again requested ICAR to consider the case of enhancement of emoluments sympathetically. Thereafter, the applicant filed another OA No. 221/2010. Vide order dated 13.07.2012, a direction for fresh proposal to ICAR with regard to revision of pay scale of SRA engaged in CAZRI, including the applicant, was to be issued within 60 days from date of receipt of order, and ICAR was asked to pass an appropriate order on the same, in accordance with law and rules, within 90 days therefrom. Again, the applicant filed a Contempt Petition No. 09/2013 for non-compliance of order passed in OA No. 221/2010. Finally, the ICAR, New Delhi approved the proposal of CAZRI to sanction enhanced rates of emoluments vide letter dated 18.03.2013. Thereafter an order to this effect was issued by CAZRI on 23.03.2013. Aggrieved by the delayed payment of emoluments at enhanced rates from time to time, the applicant has filed present OA seeking interest on the same.

3. The respondents in their reply took the stand that the applicant did not claim the interest in the earlier OAs filed by him and thus, he now cannot claim the same. Further, emoluments of all manpower strength are fixed and enhanced upto the scheme and enhancement rates are applicable for the person who is working in the ongoing Scheme/projects only. The

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rapid generation of date palm through tissue culture technique". The period of Scheme was only upto 31.10.1990. The pay of the applicant was fixed and continued as per directions of the Hon'ble CAT Jodhpur Bench order dated 20.09.1993. It was contended that the Hon'ble Tribunal had not given any directions for pay fixation, seniority, promotion etc. in the orders dated 20.09.1993 & 23.11.1998. Lastly, the respondents took the stand that there is no provision for grant of interest on the enhanced rates.

4. Heard both the parties.

5. Ld. Counsel for the applicant submitted that the enhanced rates of emoluments and arrears thereof due from 31.03.1997 from time to time were only given on 23.05.2013 to the applicant. This too was done after Hon'ble Tribunal's directions. The act of the respondents is highly illegal, arbitrary and discriminatory due to which the applicant has suffered financial loss and gone through much mental agony.

6. Per contra, counsel for respondents contented that the services of the applicant have been continued by virtue of court order and they finally paid the whole amount due, to the applicant and there is no provision for grant of any interest.

Sahajan 7. Considered the rival contentions and also perused the record. It seems that the respondents have mixed the issue of termination with

payment of enhanced rate of emoluments. Both these issues are totally

been settled and attained finality. But, while going through the record of the case, an administrative apathy emerges, which delayed the payment of enhanced rate of emoluments to the applicant which was due to him w.e.f. 01.04.1994. The applicant who has been working for so many years cannot be deprived of his lawful emoluments. I do not find any force in the argument advanced by Ld. Counsel for respondents that the applicant cannot claim the interest as he has not claimed it before and there is no provision in the rules for the same. The applicant got the amount disbursed only on 29.03.2013 after one year of his superannuation. Despite the fact that the sponsoring institute i.e. CAZRI had taken up the issue regarding enhancement of emoluments repeatedly on 07.12.1998, 12.01.2000, 13.06.2000, 28.11.2000, 22.08.2001 and 08.03.2002, no action/response was forthcoming from ICAR. It is indeed a matter of concern when legitimate claims of officials are treated with such indifference and disdain till courts' intervene.

8. Looking to the facts and circumstances as well as record of the case and not only casual but callous attitude of the administration, the contentions of Ld. Counsel for the respondents are not acceptable. So far as provisions for interest are concerned, the respondents are supposed to pay the enhanced rate of emoluments within a "reasonable time" from the date of notification. A delay of nearly 19 years certainly does not get covered under the definition of "reasonable time" and the respondents now

payment and the financial hardship caused to the applicant for 19 long years.

9. Accordingly, the respondents are directed to pay interest on the arrears of enhanced emoluments w.e.f. 31.03.1997 (permission sought by the ICAR, New Delhi by CAZRI) upto date of order i.e. 19.04.2016 at the GPF rate of interest, relevant each year, within 02 months from the date of receipt of order.

10. In terms of above directions, OA is allowed with no costs.


[Praveen Mahajan]
Administrative Member

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