

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00267/2014

Reserved on 15.09.2016

Jodhpur, this the 7th day of October, 2016

CORAM

Hon'ble Ms. Praveen Mahajan, Administrative Member

Bikash Das s/o Sh. Manindra Kumar Das aged about 57 years, R/o Quarter No.24/6, Air Force Colony, CWE (AF) Bikaner, Rajasthan. Presently working on the post of EE in the office of CWE (AF) Bikaner, Rajasthan.

.....Applicant

By Advocate: Mr. S.K.Malik

Versus

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Director General (Personnel), Military Engineer Service, Engineer-in-Chief's Branch, Army Head Quarter, Kashmir House, New Delhi -110 011.
3. The Commander Works Engineer (AF) Bikaner, Rajasthan.
4. The CRO (Officers) E-in-E1B C/o Chief Engineer, Delhi Zone, Delhi Cantt. 110 010.

.....respondents

By Advocate: Mr. B.L.Bishnoi.

ORDER

The present OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 against non-

payment of interest on delayed payment of 2nd ACP. In relief, he has prayed that the respondents may be directed to grant interest @ 12% per annum on delayed payment of 2nd ACP w.e.f. 04.05.06 to 03.04.13 on a sum of Rs. 5,13,478/-.

2. The applicant avers that after recommendations of 5th Central Pay Commission, the Department of Personnel and Training vide OM dated 09.08.1999 introduced ACP scheme for Group-B, C and D employees on completion of 12 and 24 years of regular service. This scheme was made applicable from 09.08.1999. The applicant completed 24 years of regular service on 04.05.2006 and his case should have been processed by the Screening Committee in January 2006 so as to grant him benefit w.e.f. 04.05.2006, which was not done. Respondent No.2 vide letter dated 28.01.2009 issued panel for grant of 2nd ACP in the pay scale of Rs. 10000-15200 w.e.f. 4.5.2006 (Ann.A/1). Since no payment was made, the applicant made a representation dated 24.06.2011 to the respondents (Ann.A/2). There was a protracted correspondence between the applicant and the respondents (Ann.A/3 to A/21). Finally, respondent No.3 vide P.T.O. dated 01.04.2013 issued order of pay fixation of the applicant w.e.f. 04.05.2006 (Ann.A/22). Accordingly, vide letter dated 11.04.2013 special bill was raised on account of pay fixation, along with due drawn statement for pre-audit by PCDA, Southern Western Command, Jaipur claiming a sum of Rs. 5,13,478/- w.e.f.

04.05.2006 to 30.04.2013 (Ann.A/23). After deducting income tax, a sum of Rs. 4,07,701/- was passed and paid to the applicant on 08.05.2013. After receiving the amount, the applicant made representation dated 25.11.2013 requesting to grant penal interest on arrears of pay and allowances for 2nd ACP on account of delay on part of the departmental authorities. In this regard, the applicant has also referred to the order dated 06.09.2011 of the CAT-Chandigarh Bench in OA No.14/PB/2011- Ashok Kumar Gupta v. UOI and Ors. wherein interest has been granted, vide letter dated 25.09.2013 (Ann.A/25). Aggrieved by non-payment of interest, the applicant has filed the present OA.

3. No reply has been filed by the respondent despite giving several opportunities. On 19.04.2016 last opportunity of 3 weeks' time was granted to the respondents for filing reply. On 27.05.2016, one more chance was given to the respondents for filing reply with the observation that no further adjournment will be given under any circumstances. Thereafter, the respondents filed a Misc. Application No.290/00160/16 seeking 4 weeks' more time for filing reply, which was allowed on terms of paying cost of Rs. 500/- and the matter was adjourned to 15.09.2016. It was felt that the respondents are not interested in filing a counter reply, hence on 15.09.2016, the matter was heard without the respondents having filed any reply.

4. Heard the learned counsels of both the parties and perused the material available on record.

5. On perusing the record and hearing the rival contentions, it is clear that there has been an abnormal delay caused by the respondents in making payment to the applicant as per his entitlement of 2nd ACP scheme benefits. The date when the entitlement accrued to him, is not in dispute.

6. The respondents have not been able to make out any case for justifiable delay on their part. Nor is it their case that the payment to the applicant was delayed because of non-cooperation on part of the applicant. In view of the fact of the case, the responsibility of delayed payment, seems to be squarely with the respondents for which no convincing protests or explanation is forthcoming.

7. Unfortunately, lackadaisical approach in implementing schemes like ACP, defeat the very purpose for which these are framed by the Government of India. Indifference of the respondents is reflected for the fact of their not even filing a reply, despite various opportunities being given to them.

8. I hold that the applicant is entitled to interest on delayed payment of 2nd ACP. The respondents are accordingly, directed to pay interest to the applicant w.e.f. the due date, at the rate

applicable to GPF deposits. This may be done within a period of three months from the date of receipt of a copy of this order.

9. The OA stands disposed of in above terms with no order as to costs.


(PRAVEEN MAHAJAN)
Administrative Member

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Received ~~16/07/16~~
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