

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00405/2015

Reserved on: 06.12.2016

Jodhpur, this the 16th day of December, 2016

CORAM

Hon'ble Ms. Praveen Mahajan, Administrative Member

→ Prakash Chandra Bothra s/o Shri Chintamandas, aged about 63 years, r/o Dhani Bazar, Barmer – 344 001.

.....Applicant

By Advocate: Mr.T.C.Gupta

Versus

1. Union of India, through the Secretary, Ministry of Communication, Department of Posts, Government of India, New Delhi.
2. Superintendent of Post Offices, Churu Division, Churu – 331001.

.....Respondents

By Advocate : Mr. K.S.Yadav

ORDER

The present OA has been filed against non-payment of interest on delayed payment of transfer Travelling Allowance bill.

In relief, the applicant has prayed for the following reliefs :-

A) In view of the facts and grounds enumerated above, it is most respectfully prayed that the order dated 8.7.2015, Ann-A/1 passed by the Superintendent of Post Offices, Churu Division Churu rejecting the representation dated 24.12.2012 of the applicant, may be quashed and the Original Application may kindly be allowed in terms of the prayer made and the respondents may be directed to make the payment of interest and compensation for the

delay at the rate of 18% after recovering the same from the officers responsible for the delay.

B) Any other appropriate writ, order or direction, which may be considered just and proper in the facts and circumstances of the case, may be issued in favour of the applicant.

2. Brief facts of the case are that the applicant joined the services of the respondent Department in the year 1972 and retired on attaining the age of superannuation on 31.7.2012. The applicant on transfer from Siwana to Churu submitted transfer TA bill on 29.1.2010 and the respondents passed the bill for Rs. 11497/- on 17.3.2013 that is after a delay of about 26 months. Thereafter vide application dated 24.12.2012 (Ann.A/2), the applicant requested the respondents to pay interest. It is averred that interest @ 18% of Rs. 4485/- is payable from 29.1.2010 to 17.3.2012 and compensation/damage of Rs. 2700/- are payable from 17.3.2013. The applicant is entitled for an amount of Rs. 4485+ 2700 = 7185/- as interest and compensation. The respondents vide letter dated 8.7.2015 have rejected the claim of the applicant on the ground that there is no provision for payment of interest on delayed payment of TA bill. The applicant accepts that there is no provision of payment of interest under the TA Rules, but the Courts on equity basis under Part-III, Article 14, 19 and 21 of the Constitution have ordered payment of interest. In this regard, the applicant has cited the decision dated 24.9.2014 in

the case of **Rajagopal vs. The Secretary to Government, WP (MD) Nos. 3288 of 2009** wherein interest @ 12% on delayed payment of retirement benefits has been granted. Hence, aggrieved by the inaction on part of the respondents, the applicant has filed the present OA.

3. In the reply to the OA, the respondents submit that the applicant submitted a transfer TA Bill for Rs. 13247/- on 01.12.2010 and the same was passed by respondent No.2 to the tune of Rs. 11,467/- vide order dated 16.3.2012. Later the applicant retired on attaining the age of superannuation on 31.07.2012. The respondent No.2 received an application on 4.6.2015, bearing date of 24.12.2012 (Ann.R/1), sent by the applicant mentioning therein that TA bill aforesaid submitted on 1.12.2010 was passed after the delay of 27 months, therefore, the applicant is entitled to interest @ 18% for delayed payment of Rs. 5231/-. Rs. 641/- also becomes due as interest and, total comes to Rs. 6,127/-. The said request of the applicant was duly replied vide letter dated 08.07.2015 (Ann.R/3) informing him that there is no provision under the rules for making payment of interest. The respondents submit that cause of action for filing the instant OA arose in the year 2012 as the TA was passed on 16.03.2012, but the instant communication has been filed in September, 2015 i.e. after about three years but without explanation of delay. Merely filing a

representation does not entitle the applicant to condone the delay as held by the Hon'ble Apex Court in **C.Jacob vs. Director of Geology and Mining** and by this Tribunal vide order dated 22.03.2010 in OA No.585/2009. Even the representation submitted by the applicant in the year 2012 is designed only with a view to get the delay condoned. Therefore, the OA is barred by limitation and liable to be dismissed.

According to the respondents, the TA bill submitted by the applicant was got verified through the concerned authorities. During the course of verification, the applicant did not cooperate to conclude it and thus verifying authority reported the same vide letter dated 10.04.2011 (Ann.R/2). So far as the case law of the Madras High Court in Writ Petition No.3288/2009 cited by the applicant is concerned, the same is clearly distinguishable on the ground that the same relates to delayed payment of retiral benefits whereas the present claim pertains to TA bill. In regard to delayed payment of retiral benefits, there is a provision of payment of interest under the pension rules, but such provision is not available in regard to TA bill, which the applicant has himself admitted in his OA. The respondents have also cited an order dated 11.05.2016 passed in OA No.290/00448/15 – Prakash Chandra Bothra v. UOI and Ors. by this Bench of the Tribunal (Ann.R/6) whereby claim of interest on delayed payment has

been rejected. The respondents submit that after submission of bill, the authority concerned sought to verify the TA bill submitted by the applicant under the relevant rules but the applicant did not cooperate in this process. The verifying authority had to report the same vide letter dated 11.04.2011. Ultimately, the same was verified by the SPO, Barmer vide letter dated 30.12.2011, as received by respondent No.2 on 02.01.2012 and after issuance of due sanction dated 16.03.2012, the payment of the same was made immediately. The delay between receipt of verification and the payment i.e. between 02.01.2012 to 16.03.2012 is on account of non-availability of funds. Hence, the respondents have prayed for dismissal of the OA.

4. The applicant has also filed rejoinder to the reply reiterating the averments made in the OA.

5. Heard learned counsels of both parties and perused the record.

6. The learned counsel for the applicant contended that although there is no provision of interest in the rules, but the representation of the applicant dated 24.12.2012 claiming the interest has been rejected in violation of the principles of natural justice and equity. The respondents have delayed the sanction of the TA without explaining the reasons of delay. It has been done

only on account of bias, qua the applicant, and requested for an intervention of the Court.

7. Per contra, learned counsel for the respondents contended that after submission of bill, the authority has to verify the bill and to adopt certain procedural formalities, but the applicant did not cooperate in this process. After verifying the bill, payment was made on availability of funds. Therefore, the applicant is not entitled to any interest or any compensation.

8. I find that in this case, the learned counsels of both the parties agree that there is no provision for interest in the rules. It is also noticed that the TA bill was submitted on 29.1.2010 and the same was paid on 17.3.2012 and thereafter the applicant retired on 31.7.2012. There is no document available on record to suggest that the applicant has pursued the matter with the respondents about interest on his TA claim before his retirement.

Though the applicant has placed on record the letter dated 24.12.2012 (Ann.A/2), wherein he has mentioned that several reminders have been issued by him, but no such evidence has been placed on record. The respondents have stated that letter Ann.A/2 is doubtful and dubious and they received the same on 4.6.2015, though it bore the date of 24.12.2012.

9. I have perused the judgments cited by the learned counsel for the applicant and I find that these are not applicable in the facts and circumstances of the present case.

10. Looking to the entire facts and circumstances of the present case, I am not convinced that the applicant is entitled to any interest on the delayed payment of his transfer TA claim. Even otherwise, parties agree that there is no provision for interest in the TA Rules. Therefore, I do not see any reason to direct the respondents for the same.

11. The OA is accordingly dismissed with no order as to costs.


(PRAVEEN MAHAJAN)
Administrative Member

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