

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.443/2001

Monday this the 6th day of August, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.V.Vasudevan,
Superintendent of Customs (Retd)
27/204, Pournami,
Club Road, Girinagar,
Cochin-682020.

...Applicant

(By Advocate Mr. CSG Nair)

V.

1. The Commissioner of Central Excise & Customs, Central Revenue Building, I.S.Press Road, Cochin.18.
2. The Asst. Commissioner of Customs, Air Customs, Trivandrum.8.
3. The Deputy Commissioner of Central Excise & Customs, Central Excise Divisional Office, Press Club Road, Thiruvananthapuram.
4. Union of India, represented by the Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.1.

...Respondents

(By Advocate Mr C.Rajendran, SCGSC)§
The application having heard on 6.8.2001, the Tribunal on the same day delivered the following:

O R D E R

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Applicant who retired from service on 31.12.1993 is aggrieved that the respondents have not paid Overtime Allowance due to him for the period during which he served in the Air Customs Pool in the International Airport at Trivandrum. Therefore, the applicant has filed this application for a direction to the Ist

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respondent to sanction his O.T.A Claim from June, 1989 till April, 1992 with interest on the delayed payment at 12 percent interest per annum.

2. The respondents in their reply statement contend that no Overtime Claims of the applicant have been received for the period between 6/89 and 12/90 and that an amount of Rs.14,151/- being OTA due to the applicant for the period from 1/91 to 5/92 has been processed and paid to the applicant. The delay in processing and making payment of this amount according to the respondents was because the question whether the eligibility of the Central Excise Officers whose basic pay exceed Rs.2200/- p.m. for receiving OTA was pending consideration. As the claim to the extent has been satisfied, the respondents contend that the application may be dismissed.

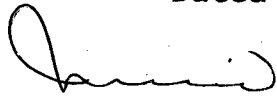
3. Learned counsel for the applicant states that the applicant has since been paid Rs.14,151/- vide Demand Draft dated 31.5.2001 after filing of this application the respondents are bound to pay to the applicant interest on this amount as the delay was on account of the laches on the part of the respondents for making payment. Regarding the claim for the period 6/89 to 12/90 as the respondents contend that no claim has been received the learned counsel for the applicant states that the applicant is not in a position to adduce evidence and therefore that claim is not pressed.

4. Regarding the claim of the applicant for interest on the delayed payment of Rs. 14,151/- we find that a Bench of this Tribunal in an identical situation in OA 115/2000 and in OA 1109/2000 granted interest at 12 percent per annum from the date of eligibility till the date of payment.

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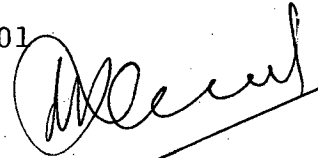
5. In the light of what is stated above, the application is disposed of directing the respondents to pay interest on Rs. 14,151/- to the applicant as 12 percent per annum from June, 1992 till 31.5.2001. The interest as aforesaid shall be paid to the applicant within a period of two months from the date of receipt of a copy of this Order. No costs.

Dated the 6th day of August, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)



A.V. HARIDASAN
VICE CHAIRMAN