

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 188 of 2001

Tuesday, this the 29th day of May, 2001

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. M.V. Abraham,
Retired Customs Superintendent,
Keezhillam PO,
Ernakulam District, Pin - 683 541Applicant

[By Advocate Mr. C. Jayakumar]

Versus

1. The Commissioner of Central Excise & Customs,
Cochin, I.S. Press Road,
Central Revenue Buildings, Cochin-18
2. The Deputy Commissioner of Customs &
Central Excise, Thiruvananthapuram Division,
Press Club Road, Thiruvananthapuram-1
3. Union of India represented by the Secretary,
Central Board of Excise & Customs,
North Block, Central Secretariate,
New Delhi - 110 001Respondents

[By Advocate Mr. Govindh K. Bharathan, SCGSC (rep.)]

The application having been heard on 29-5-2001, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The learned counsel appearing for the applicant is
absent.

2. The applicant seeks to direct the respondents to pay
the remaining overtime allowance of Rs.7131/- and also to pay
interest at 12% per annum from 27-1-2001 on Rs.34344/- and
interest at the same rate from 27-1-2001 till realisation of
the amount of Rs.7131/-.

3. In the rejoinder, it is admitted that the respondents
have paid the applicant Rs.31950/- and the respondents have
stated that the claim for the period of 4/92, if the applicant
makes the claim, it will be paid to him. It is further stated

therein that the applicant has filed the claim for the period of 4/92 on 16-3-2001.

4. The learned counsel appearing for the respondents submitted that the remaining amount claimed by the applicant was sanctioned as per order dated 27-3-2001.

5. Now what remains is only the question of interest. There is no dispute that there is delay in payment. What is stated in the reply statement is that the delay was caused in payment of the overtime allowance because of the delay in clarifying the admissibility of overtime allowance to those Central Excise officers, whose pay exceeded Rs.2200/- per month in the pre-revised scale, by the Ministry. If there was any delay by the Ministry, the applicant is not responsible for the same. That apart, when the clarification was sought and how promptly the clarification was issued, the respondents do not say. Thus there is no ground acceptable to justify the delay in effecting the payment to the applicant.

6. Accordingly, respondents are directed to pay the applicant interest at 12% per annum on Rs.34344/- from 27-1-2001 till the date of payment and also at the same rate on Rs.7131/- from the said date till the date of payment. This shall be done by the respondents within six weeks from the date of receipt of a copy of this order.

7. The Original Application is disposed of as above. No costs.

Tuesday, this the 29th day of May, 2001



A.M. SIVADAS
JUDICIAL MEMBER

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