

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION: 5.3.1990

P R E S E N T

HON'BLE MR.S.P.MUKERJI - VICE CHAIRMAN
AND
HON'BLE MR.A.V.HARIDASAN - JUDICIAL MEMBER

ORIGINAL APPLICATION NO.2/89

E.Saraswathy Ammal - Applicant

Versus

1. Director General of
Telecommunications,
Govt. of India,
Ministry of Communication,
Deptt. of Telecommunication,
(Telecom (Board)
Sanchar Bhavan,
New Delhi.110 001.
 2. Chief General Manager,
Telecommunications
Department,
Kerala Circle,
Trivandrum-695 033. - Respondents
- M/s K.L.Narasimhan &
Shaji P Chaly - Counsel for applicant
- Mr.PVM Nambiar,SCGSC - Counsel for respondents

O R D E R

(Mr.A.V.Haridasan, Judicial Member)

The applicant is working as Accounts Officer
in the office of the Director of Telecommunications,
Trivandrum. When she was transferred to West Bengal
Circle, and relieved of her duties from the Circle
office at Trivandrum, she filed O.A.K-22/87 before

...2/-

this Tribunal challenging the transfer. This application was allowed and the order of transfer was quashed. She made a representation to the Chief General Manager, Telecommunication Department, Trivandrum to permit her to resume duty as Accounts Officer at Trivandrum, but she was allowed to rejoin duty only on 4.11.1987. The revised scale of pay on the basis of the report of the ^{Fourth} Pay Commission was implemented w.e.f. 1.1.1986. The applicant opted to the new scale w.e.f. 1.1.1986. Immediately on joining she requested the second respondent for fixing her pay in the new scale and for releasing the increments which fall due to her on 1.9.1986, 1.9.1987 and 1.9.1988. The second respondent fixed her pay at Rs.2750/- w.e.f. 4.11.1987 only. There was no disciplinary proceedings against the applicant. There was no efficiency bar in the revised scale for withholding the increment on the due dates. Therefore, there was no justification for withholding of increments which fall due on 1.9.1986, 1.9.1987 and 1.9.1988. The applicant has filed this application praying that the respondent may be directed to pay the applicant her salary and allowances in the revised scale of pay for the period 1.1.1986 to 30.6.1986, to sanction the increments which had fallen due on 1.9.1986, 1.9.1987 and 1.9.1988 and to pay her the salary and

allowances in the revised scales with due increments from 4.11.1987 onwards.

2. The respondents have filed a reply statement. In the reply statement it has been interalia stated that the pay of the applicant has been fixed reckoning increments from the due dates; ⁴ that arrears including leave salary were paid to her on 2.2.1989 as per Annexure-R.1, and that as the delay was occasioned in processing the matter, since the applicant was on leave for a long time, the applicant has ^{no} ~~has~~ subsisting ³ grievance. The applicant in her rejoinder has contended that the delay in disbursing the amount due to her was intentional and that, therefore, she is entitled to get 18% interest on the amount.

3. We have heard the arguments of the learned counsel on either side and have also gone through the records produced.

The application
4. ² ~~For~~ fixation of pay in the revised scale and for the consequential reliefs was filed on 23.12.1988. In the application, the applicant did not make any claim for interest ^{on the ground of} ~~on the ground of~~ delayed payment. All the demands ² of the applicant made in the application have been met by 2.2.1989 and the arrears due to her has been paid on that date as is evidenced by Annexure-R.I. Though we are convinced that there had been considerable delay

in fixing the pay of the applicant and disbursing to her the arrears due, and though we are not happy over the inordinate delay, we do not consider that it would be necessary in the larger interest of service and in the interest of justice to direct the respondents to pay interest to the applicant for the delayed payment.

Since the prayer in the Original Application ^{has} ~~have~~ been _✓ satisfied, we close this application as infructuous. _✓

There will be no order as to costs.



(A.V. HARIDASAN)
JUDICIAL MEMBER

5.3.90

(S.P. MUKERJI)
VICE CHAIRMAN

5.3.1990