

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.224/97

Monday, this the 2nd day of June, 1997.

C O R A M

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

KC Narayanan Nair, "Sreevihar",
Chirakkulam, (PO) Ramanattukara,
Calicut District.

....Applicant

By Advocate Shri PK Aboobacker.

vs

1. The Union of India represented by
Secretary to Government of India,
Ministry of Industry, New Delhi.
2. The Development Commissioner,
Small Scale Industries,
Nirman Bhavan, New Delhi.
3. The Director,
Small Industries Service Institute,
Ayyanthole, Trichur.

....Respondents

By Shri S Radhakrishnan, Addl Central Govt Standing Counsel.

The application having been heard on 2nd June, 1997,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN

The applicant had filed OA No.151/94 against the proposal to retire him at the age of 58 years. During the pendency of the OA, the applicant had retired at the age of 58 years on 1.4.94. The OA was disposed of with a direction to reinstate the applicant declaring his right to continue in service till the age of 60 years. Pursuant to the above order, the applicant was reinstated in service on 17.5.95. Immediately on the retirement of applicant, during the pendency of the application, the applicant

contd.

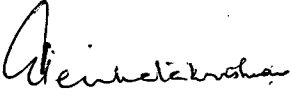



was paid a sum of Rs.98,872.00 in April, 1994 as retiral benefits. During the period till reinstatement, the applicant was also paid monthly pension. After reinstating the applicant, the arrears of pay and allowances for the period 14.10.94 to 16.5.95 was also paid to the applicant. Applicant refunded the amount of Rs.98,872.00. He, as directed, had also paid an amount of Rs.6950.00 as interest on Rs.98,872.00 from 13.10.94 to the date of refund. The applicant is aggrieved that interest had been collected from him, while he was not paid any interest on the arrears of pay and allowances. The applicant has alleged that in the case of one P Raghupathi Achari, similarly situated like him, the respondents did not collect any interest and that to collect interest from him amounts to discrimination.

2. Respondents contend that the applicant had been paid full pay and allowances for the period he has not worked and that no interest at all was charged on the amount of Rs.98,872.00 from April, 1994 to 13.10.94 taking a lenient view and that, therefore, the applicant has no legitimate grievance. They have distinguished the case of Raghupathi Achari stating that in the case of Sri Achari no arrears of pay and allowances was given.

3. On an anxious consideration of the facts and circumstances disclosed in the pleadings, we find that the applicant does not have a legitimate grievance requiring redressal. The application is, therefore, dismissed. No costs.

Dated the 2nd June, 1997.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


AV HARIDASAN
VICE CHAIRMAN