

(13/1)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at Lucknow

Registration O.A. No.33 of 1989.

K.K. Misra and Others ..... Applicants

Versus

Union of India & Others .... Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

Hon. K. Obayya, A.M.

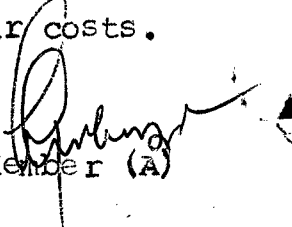

Shri V.K. Chaudhary appearing on behalf of the opposite parties says that the matter is under consideration of the Government in the light of the decision of the Bangalore Bench of this Tribunal in O.A. Nos. 1652 to 1657 of 1988. Shri M. Dubey, learned counsel for the applicant however says that in the meantime the opposite parties have made due payment of the applicants' salary claim and therefore nothing is payable on that account. He however says that since the applicants who were seniors have been wrongfully deprived of proper salary and were made to receive lesser salary than their juniors and since the applicants had been approaching the Department in various ways to give to them their appropriate amounts, the applicants may be awarded ~~interests~~ as well as costs.

2. It is not disputed that due date of payment was 1.9.85. We think that since the opposite parties, ultimately, did not contest the applicants' claim and honoured it in full, the opposite parties may not be burdened with costs. Nevertheless, we think that the applicants should get reasonable interest in the circumstances of the case. The ~~the~~ usually recognised rate of interest is 12% as held by the Supreme Court in the case

2

- 2 -

O.P.Gupta Versus Union of India & Others (1987)4 SCC 328  
para 24. In the circumstances, we direct that in  
addition to the amount already paid by the opposite  
parties to the applicants towards the claim which is  
~~Sub~~ject matter of this application, the opposite  
parties shall pay interest to the applicants @ 12%  
per annum with effect from 1.9.85 <sup>the date of</sup> till payment. Parties  
shall bear their costs.

  
Member (A)  
Vice Chairman

Dated the 28th Sept., 1989.

RKM