

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No: 100/2012
This, the 19th day of February, 2013

HON'BLE SRI JUSTICE ALOK KUMAR SINGH, MEMBER (J)
HON'BLE SRI D.C. LAKHA, MEMBER (A)

Raghubansh Pandey aged about 58 years son of Sri K.D. Pandey,
resident of 538 Ka/304, Tulsipuram, Triveni Nagar-i, Lucknow.
Applicant.

By Advocate: Sri Praveen Kumar

Versus

1. Union of India through the Secretary, Govt. Of India, Ministry of Agriculture, Department of Agriculture & Cooperation, Krishi Bhawan, New Delhi.
2. The Regional Director (Storage and Research) Save Grain Campaign, Lucknow.
3. The Assistant Regional Director (Storage and Research), Quality Controlling Cell, Lucknow.
4. The Director, NSRTC, GT Road, Collectry Farm, PO Industrial Estate, Varanasi.

Respondents.

By Advocate: Sri Pankaj Kumar Awasthi for Sri R. Mishra

ORDER (Dictated in open court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

M.P. No. 371/2013: This is an application for condonation of delay in filing short Counter Reply along with another application No. 372/2013 for taking this short Counter Reply on record, Both the applications are allowed in the interest of justice. Counter Reply is taken on record (there is no provision for short C.A.).

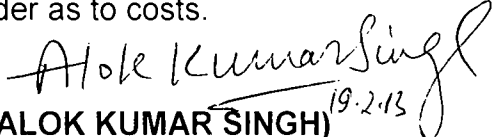
2. Learned counsel for applicant does not want to file any Rejoinder Reply because according to him, the needful has been done in his favour by passing order dated 18.1.2013 (Annexure No.1 to the CA) and their pay fixation w.e.f. 16.11.2008 has also been made as per chart enclosed therewith. But he points out that an interest @ 12% per annum on the amount of arrears till the actual date of payment was also sought under relief 8(iii) of the O.A., regarding which neither any order has been passed nor any justification has been tendered in the Counter Reply.



3. Learned counsel for respondents says that it has been categorically mentioned in para 5 of the Counter Reply that grievance of the applicant has been redressed and therefore, the O.A. is liable to be dismissed as in-fructuous. He further submits that since no Rejoinder Reply has been filed, this averment should be taken to be un-controverted and therefore, there is no question for providing interest on the arrears. We regret in not finding any substance in this submission. Apparently, the MACP was being denied to the applicant on account of two reasons. Firstly, on account of non-completion of relevant ACRs by respondents No. 2 and 3 for which respondent themselves were responsible and secondly, because the services rendered by the applicant in the previous Department was not being counted for the purpose of financial upgradation due to wrong stand taken earlier by the respondents. These points have not been touched in the Counter Reply filed today.. Be that as it may.

4. The respondents have however, now rectified their mistake and have passed the appropriate orders as mentioned hereinabove. But apparently, they had deprived the applicant from getting his due for a long period of about 4 years and therefore, it stands to reason to award interest on the amount of arrears from the date it became due till the date of actual payment. We are not aware as to whether or not, there is any provision envisaged in the relevant rules for providing interest in such cases. Therefore, this O.A. is finally disposed of with the direction to the respondents to pay an interest for the above period according to the rate of interest if any provided under the relevant rules in respect of such matters or else @ 8.50% per annum. No order as to costs.


(D.C. LAKHA)
MEMBER (A)


(ALOK KUMAR SINGH)
MEMBER (J)

HLS/-