

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH.

O.A.NO.325 OF 2003

November 5, 2004.

CORAM : HON'BLE MR KULDIP SINGH, VICE CHAIRMAN &
HON'BLE MR.S.K MALHOTRA, MEMBER (ADM.)

R.V.Singh, aged about 60 years, son of Shri Gaya Prasad,
Retired Sub Postmaster, New Hyderabad Post Office, resident
of 4/348, Vivek Khand, Gomtinagar, Lucknow.

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Applicant

By : Mr.R.S.Gupta, Advocate.

Versus

1. Union of India through the Secretary,
Department of Post, Dak Bhawan,
New Delhi.
2. Chief P.M.G.UP Lucknow.
3. Senior Superintendent of Post Offices,
Lucknow Division, Lucknow.

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Respondents

By : Mr.P.K.Singh, Advocate.

O R D E R (ORAL)

KULDIP SINGH, VC

The applicant has filed the present Original Application
with the following relief :-

"(a) That this Hon'ble Tribunal may kindly be pleased to
quash the order dated 8.5.03 as contained in annexure
no.1, order dated 31.1.03 as contained in annexure
no.1A, and order dated 7.2.03 as contained in annexure
no.1B and direct the opposite parties to pay due retiral
benefits including pension, DCRG, Commuted value, leave
encashment etc. after fixing and paying the applicant
the pay of Rs.7500/- in HSG I cadre with effect from
15.1.03 afternoon to 31.1.03 afternoon alongwith
interest on all retiral benefits @ 18% with effect
from 1.2.03 till the date of payment".

Learned counsel for the applicant submitted that the
applicant is claiming interest on the amount of DCRG of the
applicant to the tune of Rs.50,450 which was withheld on
account of an audit objection and was released on removal
of such objection. The second relief is in regard to drawal
of pay at Rs.7500/- in HSG I Cadre as the applicant claims
his entitlement under P.R.49 for higher officiating pay plus
10% of the substantive pay drawn in lower cadre of HSG III.

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We find that the applicant has claimed multiple reliefs in this Original Application which cannot be allowed. On being faced with this situation, learned counsel for the applicant stated that he restricts this O.A. only qua the payment of interest on the delayed payment of DCRG and regarding other relief of officiating pay, he may be permitted to withdraw the same with liberty to claim in separate proceedings. Allowed.

2. It is admitted position that the applicant was entitled to the full payment of the DCRG w.e.f 20.2.2003 but the amount of Rs.54,000/- was deducted from the applicant without giving any opportunity of hearing to the applicant and it was done allegedly on account of some audit objection raised in the office of the respondents. After removal of such audit objection the amount of Rs.54,000/- was also released to the applicant on 18.9.2003. Thus, the applicant was deprived use of money of Rs.54,000/- for the period 20.2.2003 to 18.9.2003.

3. Respondents have filed a reply in which they admitted that initially amount of Rs.1,81,563/- was sanctioned in favour of the applicant but on account of audit objections the amount of Rs.54,000/- was stopped. After clearance of such objection the amount was released. Admittedly, the applicant had no role to play in delayed payment of the said amount. It is settled law that if an employee is denied use of his money on account of delayed payment in which he has no role to play, he is entitled to interest on the same.

4. In view of the above discussion, this O.A. is allowed with direction to the respondents to grant to the applicant interest @ 8% on the amount of Rs.54,000/- from 20.2.2003 to the date of payment i.e. 18.9.2003, within a period of three months from the date a certified copy of this order is produced before the competent authority. No costs.


(S K MALHOTRA) AM


(KULDIP SINGH) YC

November 5, 2004.

HC*