

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA No. 270 of 2006

2nd May
Date of order : April, 2008

C O R A M
Hon'ble Mr. Amit Kushari, Member[Admn.]

Narendra Kumar Srivastava son of late Munna Lal Srivastava resident of Mohalla – Rail Vihar, Phase – II Chargaon, P. S. - Chilana Tola, P.O. - Chargaon, District – Gorakhpur Applicants

Vrs.

1. Union of India through the Director General, All India Radios, Parliament Street, New Delhi.
2. The Director General Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi.
3. The Chief Controller of Accounts, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi.
4. Senior Accounts Officers, Ministry of Information & Boardcasting, H Block, Tropical Building, Cannaught Circle, New Delhi.
5. The Station Engineer, Doordarshan Maintenance Centre, Motihari, Bihar. Respondents.

Counsel for the applicant : Shri B.S. Thakur

Counsel for the respondents : Shri M.K. Mishra, Sr. SC

O R D E R

Amit Kushari, Member [A] :-

The applicant is working as Engineering Assistant in Doordarshan Relay Centre, Siwan, Bihar. He was initially appointed on the post of Engineering Assistant in September, 1990. From July, 1994 to 31st December,

Am.

1999, he was on deputation as Estate Supervisor in the Ministry of Science and Technology, New Delhi – where he had gone on his own choice. In the meanwhile, on the directions of the Hon'ble Madras Bench of the Central Administrative Tribunal and also the Hon'ble Supreme Court, the Govt. upgraded the pay scale of Engineering Assistant from Rs. 1400-2600 to 2000-3200 and the Government in a letter dated 15.5.1995 issued these orders revising the pay scale of Engineering Assistant with effect from 1.1.1986. The Association of Engineering Assistants filed an O.A. before the Principal Bench of the Central Administrative Tribunal, New Delhi for early implementation of the orders of the Hon'ble Supreme Court and the Madras Bench of the Central Administrative Tribunal as well as subsequent orders passed by the Govt. on 15.5.1995. The Principal Bench directed that the orders should be complied with within a period of four weeks and if the arrears were not paid within four weeks then the respondents will have to pay 18 per cent interest on arrears. The office of the Director General, All India Radio and Doordarshan issued a letter dated 30.5.1997 to all the Heads of the Department to pay all the arrears within the stipulated period of four weeks which ended on 15.7.1997. The applicant says that he had not received arrears for the period 13.9.1990 to 31.6.1994 – the period before his proceeding on deputation to Ministry of Science and

Technology and that for the period he was on deputation in the Ministry of Science and Technology 1.7.1994 to 31.12.1999, he was paid the arrears by the Department of Science and Technology only in November, 2000.

2. Shri M. K. Mishra, Id. Sr. S.C. rebuts the claim of the applicant that he has not received the arrears of revised pay scale for the period 13.9.1990 to 31.6.1994. He says that this is totally untrue as has been pointed in the written statement at page 7. The applicant has received arrears of Rs. 31,223/- on 31.5.2003 by DMC Motihari on account of arrears of pay for the period 13.9.1990 to 28.2.1993. Similarly, the applicant has received arrears of Rs. 21,402/- by DMC, Motihari on different dates from 26.7.2002 to 29.9.2004 on account of arrears of pay allowances for the period March, 1993 to June, 1994. The respondents also say that since the applicant was on deputation from 1994 to 1999 arrears had to be paid by the Department of Science and Technology and they gave him the arrears. The Id. counsel for the respondents also points out that the applicant for the first time gave his application for revision of his pay on 8.4.1999 and for revision of his basic pay. In view of this, it is obvious that his arrears could not have been paid before that date and his claim that the arrears should have been paid by 15.7.1997 is just preposterous. How could arrears of the years 1997, 1998, 1999 be paid by July, 1997 – specially when the applicant himself

Sh

had applied for the revision of pay on 8.4.1999 – the ld. counsel for the respondents argued. He points out that the applicant has also claimed that the arrears of pay from 1.1.2000 to 31.8.2000 were paid in January, 2001 and this should have been paid by 15.7.1997. The ld. counsel for the respondents points out to page 8 of the written statement and says that this is also a preposterous claim. The arrears from 1.1.2000 to 31.8.2000 could never be paid in July, 1997 on an imaginary basis. He points out that the cut off date 15.7.1997 is not applicable for this applicant but this was applicable for those Engineering Assistants who have been working from much earlier dates and whose arrears in spite of filing of claims were not paid till May, 1997. He points out that since the applicant himself had submitted his claim on 8th April, 1999 the delay, if any, in payment of arrears has occurred due to his own delays and not due to any fault of the respondents. He says that since there was no shortcoming or delay on the part of the respondents, the respondents should not be asked to pay any interest on the arrears.

3. I have carefully considered the arguments of both sides. Since the applicant himself had applied for revision of his pay on 8.4.1999, any delay in payment of his arrears has to be counted from this day and not from an imaginary earlier date. The respondents have admitted that they had

paid his arrears to the tune of Rs. 31,223/- and 21,402/- on various dates from 26.7.2002 to 29.9.2004. There is, therefore, a delay of roughly three years in making the payment of his arrears. The respondents ought to have made the payments of the arrears expeditiously in stead of delaying the matter for three years. The applicant, therefore, has a genuine claim for payment of interest on arrears for three years approximately on an amount of Rs. 52,625/-.

4. I direct the respondents to pay nine per cent simple interest on this amount for a period of three years to compensate him for the delay. Regarding payment of arrears during his tenure in the Ministry of Science and Technology, it seems there was no ^{significant} delay in paying him the arrears because he completed the formalities on 8.4.1999 and applied for revision of pay and he was paid all the arrears within a few months. No interest is, therefore, admissible for this period. The aforesaid directions should be complied within within three months of the receipt of this judgment.

5 Resultantly, this O.A. is partly allowed. No costs.



[Amit Kushari JM[A]]

mps.