

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Tr. Application No. 111/86.

Shri. Vishwanath Waman Apte,
Madhav Bhavan, Block No. 6,
1st Floor, 321B Deodhar Road,
Matunga - Bombay-400 019. .. Applicant.

v/s

1. The Union of India through
The Ministry of Commerce,
New Delhi.
2. The Textile Commissioner,
Ministry of Commerce,
Govt. of India (Dept. of Textiles),
New C.G.O. Building,
New Marine Lines,
Bombay - 400 020.
3. The Chief Commissioner (Admn) &
Commissioner of Income Tax,
Aayakar Bhavan,
M.G. Road, Bombay-400 020. .. Respondents.

Ceram: Hon'ble Vice-chairman Shri B.C.Gadgil.
Hon'ble Member(A) Shri J.G.Rajadhyaksha.

Appearances:

1. Mrs. Manjula Rao,
Advocate for the applicant.
2. Mr. S.R. Atre for Mr. P.M. Pradhan,
Counsel for the Respondents.

ORAL JUDGEMENT Dated: 18.6.1987.
(Per Vice-chairman Shri B.C.Gadgil)

Only a small point remains in these proceedings.

The applicant (Original Writ Petitioner) was originally working in the Civil Supplies Department and thereafter he started serving in the Tariff Board, Bombay in the capacity of 'C' Grade Clerk from 1.1.46.

It appears that on account of 'The Varadacharya Pay Commission', the applicant was entitled to be placed and fixed as Upper Division Clerk from 1.1.47. This was not done till 1950. Consequently, the applicant

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received lesser pay. The Tariff Commission (original Indian Tariff Board) was wound up some time in 1976-77 and thereafter the services of the applicant were allotted to the Income-Tax Department through the Central Surplus Cell.

The applicant has been agitating his grievance for the difference in pay arising from 1.1.47. His pay should have been that of U.D.C. A written representation was made in 27.4.1981. However, it was of no use. The applicant gave a notice through his advocate on 30.8.84. Still, the Govt. did not pay any heed to that notice. The applicant has then filed Writ Petition No.1866/85. It is this Writ Petition that has been transferred to this Tribunal.

When the matter came up before the Tribunal on 4.2.87, the Tribunal has passed an order that applicant's account of dues should be settled and paid on or before 31.3.87. We are told that the exact amount was calculated and Rs.2165.55 have been paid to the applicant on 31.3.87. Thus, there is no question of granting any substantive relief for the said differences.

The applicant, has, however, claimed interest on this amount @ 18% from 1981 i.e. the date on which a formal representation was made.

We have heard Mrs.Rao, Advocate for the applicant and Mr.S.R.Atre (for Mr.P.M.Pradhan) for the Respondent No.3 the Income-Tax Department.

It is clear that the difference of pay which arose from 1947 was not paid till we passed the order on 4.2.87. Actual payment was made on 31.3.87.

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In our opinion, such gross delay has to be taken into account while considering the claim for interest. It is true that Mr. Atre submits that the Income-Tax Department was liable to pay the amount only after the Textile Commissioner would certify the correctness of the amount. In our opinion, the applicant is least concerned about which department should pay. He should get the interest calculated on Rs.2165.55. The Income-Tax Department will have to pay it. The proportion of liability between the Income-Tax Department and the Textile Commissioner can be settled between them. The Tribunal is not concerned with it.

The above mentioned unconscionable delay in settling the claim would enable the applicant to claim and get interest. Mrs. Rao, the learned advocate for the applicant claimed interest @ 18% from 1981. We think interest at 12% from 30.8.84 i.e. the date on which a notice was served on the Respondents till 31.3.87 should be paid by Respondent No.3.

In addition, the Resp.No.3 should also pay the costs of the application which we quantify at Rs.300/-

ORDER

- 1) The Resp.No.3 is directed to pay interest on Rs.2165.55 from 30.8.84 to 31.3.87 @ 12% per annum.
- 2) In addition, the Resp.No.3 should also pay the above mentioned quantified amount of Rs. 300/- as costs to the applicant.
- 3) These orders should be complied with within two months from today.

B.C. Gadgil
(B.C. GADGIL)
Vice-Chairman

J.G. Rajadhyaaksha
(J.G. RAJADHYAKSHA)
Member(A)