

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 360/99

Date of Decision: 2.12.1999

Shri N.M. Visal Applicant.

Shri R.C. Raviani Advocate for
Applicant.

Versus

Min. of Defence & Others Respondent(s)

Shri Ravi Shetty for
Shri R.K. Shetty, Counsel Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. JUSTICE R.G. VAIDYANATHA, VICE CHAIRMAN

Hon'ble Shri.

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?
- (3) Library

R.G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN.

H.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A. No.360/99

Dated this the 2nd Day of December, 1999

Coram : Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman

Shri N.M. Visal,
Residing at 27-C, Budhwar Peth,
Appa Balwant Chowk,
Pune - 411 002. .. Applicant.

Advocate by Shri R.C. Ravlani.

vs.

1. Union of India, through
the Secretary,
Ministry of Defence, South Block,
New Delhi - 110 011.
2. The Director Military Farms,
A HQ, ~~OMG'S Branch,~~
~~West Block No. III, R.K. Puram,~~
New Delhi - 110 066.
3. The Director Military Farms,
HQ, Southern Command,
Khadki, Pune-411 003.
4. The Director Military Farms,
HQ, Eastern Command,
Fort Williams, Calcutta-700021.
5. The Officer-Incharge,
Military Farm, Bengdubi,
Dist. Darjeeling-734 424.
6. The Officer Incharge,
Military Farm, Pimpri, Pune-411017.
7. The Officer Incharge,
Military Young Stock Farm,
Manjri, Pune-412 307. .. Respondents.

Respondents by Shri Ravi Shetty,
for Shri R.K. Shetty, Counsel.

O R D E R

(Per : Justice R.G. Vaidyanatha, Vice Chairman)

This is an application filed by the applicant claiming payment of arrears of pay with interest. Respondents have already filed their reply. I have heard both the counsels.

2. The applicant's claim is that he is entitled to difference of pay and allowances for the period from June'1993 to February'1996. I have heard both the sides to dispose of this matter on merits. Respondents in their reply have admitted that the applicant is entitled for arrears of pay and allowances and for that the headquarters has already been moved to obtain time barred sanction. In other words, respondents are not denying their liability to disburse arrears of pay and allowances, but seeking extension of time to get order from headquarters for sanctioning the payment which comes to Rs.24,745/- and that under the circumstances of the case they should be granted 3 months time for disbursing the payment.

3. Learned Counsel for the applicant contends that applicant is entitled to get 18% interest per annum for the inordinate delay in making payment of arrears of pay. On the other hand the learned Counsel for the Respondents



is opposing grant of interest and submitted that as there was a delay due to administrative reasons interest need not be ordered.

4. When once it is admitted about delay in deciding difference in arrears of pay in making payment, the applicant is entitled to claim interest. We are concerned with the period about payment from June' 1993 to February' 1996; even if we granted more time to the respondents for administrative reasons, they are liable to make payment atleast 6 or 9 months after February'96.

5. As far as the period for interest is concerned, Counsel for the applicant submitted that the subject matter is within the limitation and is not time barred. Under Rule 21 of Administrative Tribunals Act, an application before the Tribunal has to be filed within one year from the date on which the final order has been made. Where an appeal/representation has been submitted by the person and the authority competent to pass final order has not passed the said order, application has to be filed after expiry of a period of one year. In the instant case the claim of interest should be restricted to one year prior to the date of filing of application. The application is filed on 15.4.1999 and one year prior to filing of the application will be 15.4.98 but I fix the date on 1.4.1998 for the purpose of calculation of



interest.

6. In the result the application is allowed. The respondents are directed to pay Rs.24,745/- with interest of 10% per annum from 1.4.1998 till the date of actual payment. Respondents should comply with this order within 3 months from the date of receipt of this order. In the circumstances of the case no order as to costs.

R. G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN.

H.