

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 34/2001

Date of Decision : 9th October 01.

Mrs. L.N. Dharmaraj Applicant

Shri S.P. Saxena Advocate for the
Applicant.

VERSUS

Union of India & Ors. Respondents

Shri R.R. Shetty for
Shri R.K. Shetty Advocate for the
Respondents

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

- (i) To be referred to the reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library

SLJ
(S.L.JAIN)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.34/2001

Dated this the 9th day of October 2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Mrs.Laxmi N.Dharmaraj,
R/o A-405/7, Neelam Nagar,
Mulund East, Bombay.

...Applicant

By Advocate Shri S.P.Saxena

vs.

1. Union of India
through the Secretary,
Department of Supply,
Parliament Street,
New Delhi.
2. The Director General,
Department of Supply,
Directorate General of
Supplies and Disposal (Q.A.),
"Jeevan Tara",
Parliament Street,
New Delhi.
3. Chief Controller of Accounts,
Department of Supplies and
Disposal,
Akbar Road,
New Delhi.

...Respondents

By Advocate Shri R.R.Shetty
for Shri R.K.Shetty

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O R D E R

(Per : Shri S.L.Jain, Member (J))

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for a direction to the respondents to calculate interest at the rate of 18% p.a. on all amounts paid to the applicant from the date of retirement, i.e. on 16.3.1998 till actual payment was made and second instalment of arrears of salary which became payable to the applicant due to revision of pay by 5th Pay Commission be paid.

2. The applicant has filed OA.NO.466/2000 on 3.7.2000 and the relief sought was a direction to the respondents to calculate interest at the rate of 18% p.a. on all amounts paid to the applicant from the period w.e.f. 17.3.1998 till actual payment was made with a direction to make payment of Rs.14,478/- towards revision of pay upon 5th Pay Commission which was decided by this Tribunal vide order dated 28.7.2000 and the operative part of the order is as under : -

" Respondents are directed to consider the representation made by applicant on 30th October, 1999 (copy at A.3). The representation shall be considered and decided as per Rules, and a detailed reply explaining the position regarding the decision taken shall be communicated to the applicant within two months from the date of receipt of a copy of this order. If applicant is aggrieved by the decision taken, remedy as per law shall be available to him, for filing OA. in this regard, if so advised..

Liberty to the applicant to send another copy of aforesaid representation at A.3 within 15 days from today, for administrative convenience. The OA. is, therefore, disposed of accordingly."

3. On perusal of the representation dated 30.10.1999 (correctly speaking 30.10.1998) Annexure-'A-3', I find that it was in respect of reimbursement of medical expenses incurred by him for medical examination prior to his joining duty in December, 1997, reimbursement of freight incurred by him for shifting his personal effects after VRS from Delhi to Mumbai and Railway passenger fare from New Delhi to Mumbai for herself and spouse on shifting to Mumbai.

4. After the decision of the OA.No.466/2000, the applicant's right is limited i.e. a decision in respect of his representation dated 30.10.1998 (Annexure-'A-3') and if he is dis-satisfied or aggrieved by the decision, he was at liberty to proceed in accordance with law.

5. In the present OA., the applicant has given the details of his payment regarding pensionary benefits in para 4.3 which are as under :-

Nature of payment	Amount	Date of payment
a) G.P.F.	Rs. 81,308/-	12.11.1998
b) Gratuity & Commutation of Pension plus	Rs.1,91,164/- Rs.1,56,744/- Rs. 34,420/-	19.05.1999
c) Insurance	Rs. 9,210/-	05.08.1999
d) Pension Arrears	Rs. 48,428/-	31.07.1999
e) Release of Gratuity balance Amt:	Rs. 1,000/-	24.09.1999
f) T.A. & Transportation	Rs. 8,628/-	16.04.1999

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6. A perusal of the same makes it clear that he is claiming interest in respect of payments made to him commencing from 12.11.1998 to 16.4.1999 in the present OA. which is filed on 12.1.2001. The claim of interest in respect of items mentioned above (a, b, c, d, e) is barred on principles of limitation as the OA. is being filed after a period of one year from the date of the actual payment, even if the Bench agrees to the submissions of the applicant that interest can be claimed only when the actual payment is made.

7. The claims in para 4.11 that he has made representation to Respondent No.2 on 30.10.1998 (not on 30.10.1999) which was replied vide letter dated 15.12.1998 and respondents had denied the claim of interest. The said letter dated 15.12.1998 could not be enclosed to the OA.No.466/2000 through over-sight and hence the applicant filed a Review Petition No. 42/2000 which was disposed of on 14.12.2000 with liberty to the applicant to file fresh original application if so advised against present impugned order and the Review was rejected, Recourse for redressal of grievance in respect of the decision will be available as per provisions of law. Needless to say that any liberty given to the applicant as stated above, failure to place the letter dated 15.12.1998 to the OA.NO.466/2000 cannot be a ground to re-agitate the matter which is barred by principles of constructive res-judicata.

8. TA. and Transportation charges were paid to the applicant on 16.4.1999 amounting to Rs.8,628/-. The applicant retired on 17.12.1997. Second instalment in respect of 5th Pay Commission was also paid to the applicant on 28.3.2001 amounting to Rs.543/-. The learned counsel for the applicant stated that he does not want to press interest in respect of this item, having noticed Col.No. 8 in 'R-4'. Thus, the amount of interest which now deserves to be considered is only in respect of T.A. and Transportation:

9. In para 16 of the written statement from page 10 and onwards, the delay in respect of T.A. and Transportation charges has been dealt with by the respondents and on consideration of the same, I find that clarification was sought from the applicant vide letter dated 23.11.1998 ('R-11') which was received on 10.12.1998 that her T.A. claim could be dropped. Thereafter, Office Order was issued on 29.12.1998 for preferring the T.A. claim for Transportation charges. Thereafter, information regarding Transportation charges were required to be obtained from the Railway authorities. Thereafter, the bills were prepared on 26.3.2000 after receipt of the above information from Railway authorities. Similarly, in respect of L.T.C. Claim, on clarification sought, the applicant dropped her claim in respect of her husband. Hence, the respondents claim that there was no delay in payment.

The perusal of the statement makes it clear that the respondents took the period commencing from 29.12.1998 to 26.3.2000 for seeking information regarding transportation charges from Railway authorities and preparing the bill.

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At the most, the period for seeking information and preparing a T.A. "bill" can be one month. The respondents have taken a period of about 15 months for preparing the T.A. Bill which is more than the required or reasonable period. As such, the applicant is entitled to interest at the rate of 12% p.a. on the amount of the T.A.

10. In the result, OA. is allowed and the respondents are ordered to pay to the applicant interest at the rate of 12% p.a. from 30.1.1999 till the T.A. is actually paid to the applicant along with a cost of Rs.650/- (Rs.500/- as Legal Practitioner's fee + Rs.150/- as other expenses) to the applicant within a period of one month from the date of receipt of a copy of this order.

S.L.JAIN —

(S.L.JAIN)

MEMBER (J)

mrj.