

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 18 FEB 1994

C.P (Civil)
APPLICATION NO(S) 35/93

in OA 763/91

APPLICANTS:

V. Raman
TO.

RESPONDENTS:

VS - A.K. Venkata Subba-
manyu.

1. Sri. S.K. Mohiuddien, Advocate NO. 11
Jeevan Buildings K.P. West Bangalore
2. Sri. M.S. Padmarajulu, Senior Counsel
for Central Govt, High Court Building
Bangalore.
3. A.K. Venkata Subramanian, Director
General of Supplies and Disposals NO. 5
Sansad Marg New Delhi
4. P. Rohmang Thanga, Secretary to Govt
Department of Supplies & Disposals New Delhi
5. N. Bala Subramaniam, Dy Controller of
Accounts Department of Supplies, Sakthi
Bhavan IV floor Haddow Road. Madras
6. G. Balakrishnan Director of Inspection
DGSD Bangalore-20

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/~~STAY ORDER~~/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 18.2.94.

gm*

OK
Copies Forwarded
on 18.2.94

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

CP (CIVIL) NO. 35/93 IN OA NO. 763/91

MONDAY THE 7TH DAY OF FEBRUARY, 1994

Shri V. Ramakrishnan ... Member (A)
Shri A.N. Vujjanaradhya ... Member (J)

Shri V. Raman,
S/o late V.K. Srinivasachar,
Retd. Asst. Inspecting Officer (Engg),
O/o the Director of Stores &
Disposals,
Bangalore - 20. ... Petitioner

(By Advocate Shri S.K. Mohiyuddin)

Vs.

1. Shri A.K. Venkata Subramanian,
Director General of Supplies &
Disposals, No. 5, Sansad Marg,
New Delhi - 1.
2. Shri P. Rohming Thanga,
Secretary to Government,
Department of Supplies &
Disposals, New Delhi.
3. Shri N. Balasubramaniam,
Deputy Controller of Accounts,
Department of Supply, Sastry
Bhawan, IV Floor,
Haddows Road, Madras-6.
4. Shri G. Balakrishnan,
Director of Inspection,
DG S&D, Bangalore - 20. ... Respondents

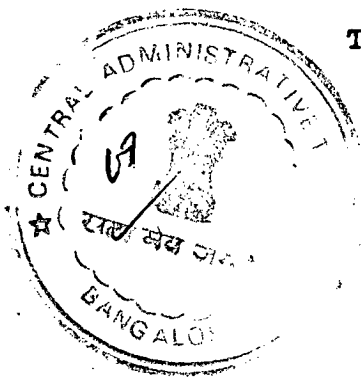
(By Advocate Shri M.S. Padmarajaiah,
Central Govt. Senior Standing Counsel)

O R D E R

V. Ramakrishnan, Member (A) :

The applicant Shri V.S. Raman had moved the
Tribunal in OA 763/91 seeking certain reliefs. The

.....2/-



Tribunal by its order dated 2.12.92 had directed as follows:

"For the above reasons we allow this application. We hereby quash and set aside the impugned orders as per Annexures A-4 and A-5. We direct that the respondents shall re-fix the pay and the pensionary benefits of the applicant and also pay the amount withheld as a result of the passing of the orders as per Annexures A-4 and A-5 within a period of two months from the date of communication of this order. It will be open to the respondents if they choose to proceed afresh in the matter after complying with the requirement of law and affording reasonable opportunity to the applicant to show cause against any proposed action that they intend to take. No costs."

The orders of the Tribunal were communicated to the department on 10.12.92. The orders were however, implemented in full only on 1.12.93 as admitted by the respondents on which date the applicant was given a cheque for Rs. 20,026/- which includes the amount of gratuity withheld and arrears of leave encashment. The time for complying with the direction of the Tribunal had expired in February 1993 but there was no petition before us from the department seeking extension of time. While conceding that the department had paid the applicant *the* arrears due, the learned counsel for the applicant seeks interest for delayed payment. He draws our attention to Government of India Decision below Rule 68 of the Pension Rules, in particular para 2 of the OM dated 11.7.79, and 10.1.83 (Annexure R-1) and also the OM dated 28.7.84 dealing with interest rate for delayed payment of gratuity.

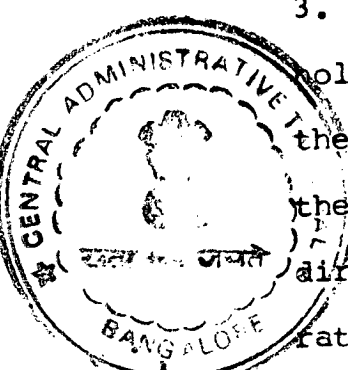
.....3/-

2. We find that no justification has been adduced for such delayed payment excepting a statement that there has been no deliberate delay in implementing the orders of the Tribunal. Shri M.V. Rao, learned standing counsel, during the course of hearing submitted that the applicant had not sought for interest on arrears due to him in his original application and that he cannot do so at this stage. We are, however, not able to agree with this submission, as the applicant waited for a long time and then issued a legal notice in May 1993 and subsequently moved the Tribunal to initiate contempt proceedings against the department for non-compliance and only after the matter came before us, the department paid the amount due to the applicant in December, 1993.

3. In the light of the circumstances of the case, we hold that the department had only partially complied with the directions of the Tribunal as they had not implemented the orders within the time limit stipulated. We now direct that the department should pay interest at the rate of 7 per cent per annum for the period from 1.3.93 to 30.11.93 on the amount of Rs. 18,476/- which is the amount of gratuity which was initially withheld and subsequently released in December, 1993. The department will calculate the interest and pay the same within two months from the date of receipt of a copy of this order.

TRUE COPY

4. With the above directions, the matter is finally disposed off without any orders as to costs.


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

(A.N. Vujjanaradhya)
Member (J)

(V. Ramakrishnan)
Member (A)