

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

Miscellaneous Appln. No. 284 of 1994 in

Dated:- 15 JUL 1994

APPLICATION NUMBER:

901 of 1993

APPLICANTS:

RESPONDENTS:

Sri.T.H.Vittalmurthy v/s. Garrison Engineer,ADGES,Mount Abu and  
I.o.

1. Sri.S.M.Babu, Advocate, No.242, Kanaka Mandiram,  
Fifth Main, Gandhinagar, Bangalore-560009.
2. The Garrison Engineer, Air Force,  
Head Quarters Training Command,  
I.A.F. Campus, Hebbal, Bangalore-6.
3. Sri.M.Vasudeva Rao, Addl.Central Govt.Stng,Counsel,  
High Court Building, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the  
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above  
mentioned application(s) on 06th July, 1994.

Issued on  
18/7/94

of  
R.

Se Shantharao (sf)  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

Applicant: T. H. Vittal Murthy vs. Garrison Engg. ADGES

OA No. 901/93

Date	Office Notes	Orders of Tribunal
		<p><u>PKSVC/TVRMA</u></p> <p>6th July 1994</p> <p><u>Orders on MA No. 284/94:</u></p> <p>Although this is not a fit matter for granting extension of time, however, deferring to the request made by the learned counsel we grant three months time for Government to comply with the directions made in the order disposing of OA No. 901/93.</p> <p>No further extension of time will be granted.</p> <p>Three months period to be computed from today.</p>

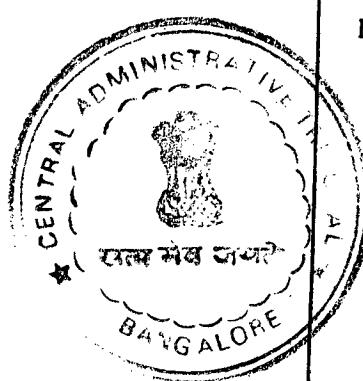
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MEMBER (A)

VICE-CHAIRMAN

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*S. Bhosale*  
SECTION OFFICER (S)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

Dated:- 31 MAR 1994

APPLICATION NUMBER: 901 of 1993.

APPLICANTS:

Sri.T.H.Vittalmurthy v/s. Garrison Engineer, ADGES, Mount Abu, To. Rajasthan and two Others.

RESPONDENTS:

1. Sri.S.M.Babu, Advocate,  
No.242, Kanaka Mandiram,  
Fifth Main Road,  
Gandhinagar, Bangalore-9.
2. The Garrison Engineer, Air Force,  
Head Quarters Training Command,  
I.A.F. Campus, Hebbal, Bangalore-6.
3. Sri.M.Vasudeva Rao, Addl General Govt.  
Stng.Counsel, High Court Bldg,  
Bangalore-1.
4. The Garrison Engineer,  
A.D.G.E.S., Mount Abu,  
Rajasthan.
5. Chief Engineer, Head Quarters,  
Southern Command,  
Engineering Branch, Pune-411001.

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

Please find enclosed herewith a copy of the ORDER/ STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above mentioned application(s) on 25th March, 1994.

Issued on  
31/3/94  
Re,

of

for *S. Shashikumar* 34/3  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.901/93

FRIDAY THIS THE TWENTY FIFTH DAY OF MAR., 1994

MR. JUSTICE P.K. SHYAMSUNDAR	VICE CHAIRMAN
MR. T.V. RAMANAN	MEMBER (A)

Shri T.H. Vittalmurthy, Major,  
Ex.B/R. Gr.I  
Military Engineering Services,  
Garrison Engineering,  
R/o 455, Ist Stage,  
Industrial Suburb, Mysore

( By Advocate Shri S.M. Babu )

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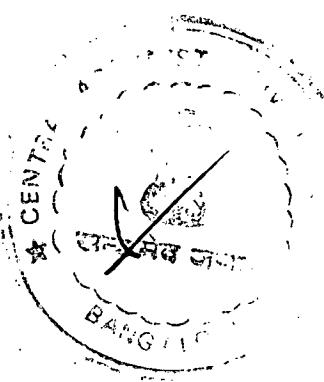
1. Garrison Engineer,  
ADGES, Mount Abu,  
Rajasthan
2. H.Q. Chief Engineer,  
Southern Command,  
Engineering Branch,  
Pune - 411001
3. Garrison Engineer Air Force,  
H.Q. Training Command IAF Campus,  
Hebbal, Bangalore - 6

( By learned Standing Counsel)  
Shri M.V. Rao

ORDER

Mr. Justice P.K. Shyamsundar, Vice Chairman

The short point for consideration in this application is about entitlement of the applicant to interest in the belated payment of pay and allowances due in the year 1982 but given only in the year 1993. After he got the payment in the year 1993, he told the Department that he



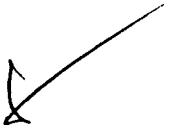
should have been given some interest on the amount paid belatedly to him for no reason at all mentioning in that that he was not in any way responsible for the delay. He was, however, informed by the Department on 26.8.93 as per Annexure 'C' as follows:

"Refer your application dated 22.7.93 and 3.8.93.

An extract of CE SC Pune letter No. 170109/2/Engg/THV/EIR (Pay Coord) dated 16.8.93 is furnished below:

- a) Payment of LEC - Further communication will follow.
- b) Interest on advance increment: No order exists regarding payment of interest on delayed payment amount relating to pay and allowances. As such he is not entitled for any interest on delayed payment of advance increment."

2. Apparently the fact that the claim of this kind had never come up for consideration earlier, no precedents or orders regulating the situation like that being available, is no ground for denial of the claim of interest over the belated payment. It is an axiomatic principle in administrative matters for want of a rule or a precedent, just action cannot be denied or delayed. In the reply statement, it is stated that 10 long years had passed between the date of entitlement and the date of realisation of the amount, and these 10 years was occupied in protracted correspondence between one department and the other. What kind of correspondence had taken place in granting a small rise in pay is beyond our apprehension. What is more the Department has not taken us into confidence and told us why it took 10 long years to make an order.



We, therefore, think this is a fit case in which the arrears of pay ultimately made available to the applicant in the year 1993 instead of 1982 should be accompanied by interest. Therefore, we direct payment of interest on the arrears of salary paid to the applicant @ 10% for the period from 1.2.82 to 30.6.93. Time to comply with the direction is three months from the date of receipt of a copy of this order. Send a copy of this order to the respondents.

3. We notice there is one more grievance here by the applicant which is about leave encashment demand. Applicant was informed on 26.8.93 (Annexure C) that further communication in regard to leave encashment will follow. In the reply filed in opposition of this application on 10.2.94, there is reference to the demand of payment of leave encashment benefit and the very vague reply is that it would be paid shortly. We do not know whether it will mean another 10 years. We, therefore, direct the Department to compute and pay leave encashment benefit also within three months from the date of this order. No costs.

*Sd/-* ( T.V. RAMANAN ) ( P.K. SHYAMSUNDAR )  
MEMBER (A) VICE CHAIRMAN

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*S. Shyam Sundar*  
31/3

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: 20 OCT 1994

Miscellaneous APPLICATION NO: 467/94 IN OA 901/93

APPLICANTS:- J.H. Vittalamurthy  
v/s.

RESPONDENTS:- Garrison Engineer, ADGES, Mount Abu  
and two others.

T.

① Sri. S.M. Babu,  
Advocate, 242,  
Kanakamandiram,  
5th Main Ganeshnagar,  
BANGALORE-9.

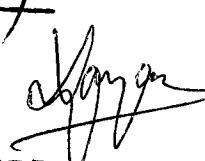
② Sri. M. Venkatesh Rao,  
Addl. CGSC  
High Court Bldg,  
BANGALORE-1

Subject:- Forwarding of copies of the Order passed by the  
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/  
~~STAY ORDER/INTERIM ORDER~~ passed by this Tribunal in the above  
mentioned application(s) on 18-10-94

Issued on  
20/10/94

  
R/ for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

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**In the Central Administrative Tribunal**  
**Bangalore Bench**

**Bangalore**

Sri. T. H. Vittalamurthy, Vs ADES, & 2 others

90/

Application No..... of 1993.

ORDER SHEET (contd)

**MA467/94**

Date	Office Notes	Orders of Tribunal
		<p style="text-align: center;">on</p> <p><u>VR(mA)/ANV(mJ)</u> 18.10.94</p> <p>Shri MV Rao filed memo for re-calling the order dated 13.10.94. He further submits that he does not press for the memo on the ground that communication was received stating that directions in OA was complied by making payment to the applicant Vittal Murthy on 6.10.94 and the communication was received only yesterday evening subsequent to filing of the memo. In view of this submission the memo is rejected.</p> <p style="text-align: right;">Sd/- m(j)</p> <p style="text-align: right;">Sd/- m(j)</p> <p style="text-align: right;">m(A)</p> 

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20/10/94  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore