

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 801/94

Transfer Application No:

DATE OF DECISION: 22.11.1994

Dr. (Mrs.) Aruna Madan Petitioner

Shri G.S.Walia Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

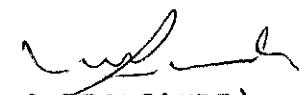
Shri N.K.Srinivasan Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

◆ The Hon'ble Shri

1. To be referred to the Reporter or not ? NO
2. Whether it needs to be circulated to other Benches of the Tribunal ? NO


(M.S.DESHPANDE)


VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

(5)

OA.NO. 801/94

Dr.(Mrs.) Aruna Madan

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande

Appearance

Shri G.S.Walia
Advocate
for the Applicant

Shri N.K.Srinivasan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 22.11.1994

(PER: M.S.Deshpande, Vice Chairman)

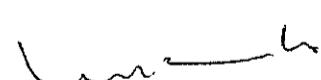
The relief that is being claimed by the present application is payment of interest of Rs.32,543/- which would be the amount of interest on the claim that was allowed by the decision of this Tribunal in OA.NO. 35/89 on 22.6.1993, the operative portion of which was as follows :-

" In the result, we are of the view that the application deserves to be allowed. The respondents are directed to give benefit of the actual pay as per IVth Pay Commission's recommendation to the applicant with effect from 1.1.1986 and to pay the arrears accruing on account of the same within a period of three months from the date of communication of the order. There shall be no order as to costs."

2. The contention of Shri Walia, learned counsel for the applicant is that the claim was for the period from 1.1.1986 and though the Tribunal had directed payment within three months, the respondents sought extension of this time and approached the Supreme Court and did not pay the amount due until the Special Leave Petition was dismissed by the Supreme Court.

2. It is clear that the Tribunal while granting time initially and while extending the time for making payment had not made a condition that interest shall be paid on the amount which ~~had~~ accrued due to the applicant. Shri Walia urges that the cause of action for claiming interest arose when the amount was paid pursuant to the ~~direction of~~ the Tribunal. It is clear that the Tribunal at the time of passing the order could have ~~granted~~ the claim for interest, but that was not the order. The applicant's claim was not based either on the Interest Act, Contract Act or any other statutes under which interest can be claimed.

Shri Walia relied on observations of Supreme Court in Hazari Lal vs. Union of India & Ors, All India Services Law Journal 1984 (2) p. 624, but there the question that was considered was of limitation for making a claim for payment of arrears of salary after a decision was rendered reinstating the applicant. Such a position does not arise in the present case, and I am not impressed by the argument that ~~res-judicata will not operate here. The question of interest could have~~ ^{been} argued at the time of decision of the Tribunal and that was not done. It will not be open ^{now} to the applicant to approach the Tribunal only for payment of interest by filing the present OA. The OA. is dismissed.


(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.