

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 239/94

Date of Decision: 31.12.96

Shri D.R.Mardia, Principal Petitioner/s  
Administrative Officer,  
Southern command, Pune and 3 others.

Ms. Neelima Gehad for Advocate for the  
Shri S.P. Saxena. Petitioner/s

V/s.

Union of India and others. Respondent/s

Shri R.R.Shetty for Advocate for the  
Shri R.K. Shetty. Respondent/s

CORAM:

Hon'ble Shri M.R. Kolhatkar, Member (A)

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 ?

M.R.Kolhatkar  
(M.R. Kolhatkar)  
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH 'GULESTAN' BUILDING NO:6  
BOMBAY BENCH

Original Application No. 239/94

Tuesday the 31 st day of December 1996.

CORAM: Hon'ble Shri M.R. Kolhatkar, Member(A)

D.R. Mardia  
Principal Adminstrative Officer  
Chief Engineers Office  
Southern Command  
Pune.

M. Prahlada Rao  
Sr. Administrative Officer  
Chief Engineers Office  
Southern Command  
Pune -

B.H. Kelgane  
Senior Administrative Officer  
Chief Engineers Office  
Southern Command  
Pune.

A. Munaswami  
Principal Barrack stores Officer  
Chief Engineers office  
Southern Command  
Pune.

... Applicants.

By Advocate Ms. Neelima Gohad for Shri S.P. Saxena.

The Union of India, through V/s.  
The Secretary  
Ministry of Defence  
South Block  
New Delhi.

Engineer-in-Chief  
Army Headquearters  
Kashmir House, New Delhi

Chief Engineer,  
Southern Command Headquarters  
Queens Garden.  
Pune.

... Respondents.

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

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O R D E R (ORAL)

( Per Shri M.R. Kolhatkar, Member (A) )

Heard the learned counsel for the parties.

2. The applicants in this O.A. had claimed the following relief.

- " (a) to direct the respondents to calculate and pay the headquarter allowance to each of the applicants for the period they were posted at the office of the Respondent No.2 and were entitled for the said allowance,
- (b) to direct the respondents to pay interest @12% on the accrued arrears of the allowance till the date the arrears are actually paid.

3. It is not in dispute that the matter is under litigation before various judicial force since, 1980. Particulars of such case are reproduced below:

- (a) Judgement in WP No.176/79 (in respect of Shri N. Natarajan and others) was delivered on 3 Sept, 80 by the Hon'ble High Court Delhi in favour of the applicant.
- (b) LPA No.121/84 at Hon'ble High Court Delhi was decided on 25 August 1991 in favour of the applicants viz Shri K.R. Swamy and others.

4. The learned counsel for the respondents states that since the Supreme Court has modified the stay in favour of the applicants, in terms of telegram dated 13.12.95 the respondents would grant the relief of the applicants.

5. The learned counsel for the applicants however prays that time limit may be fixed for payment of headquarter allowance and secondly the interest may also be considered. In this case the following dates are relevant for payment of interest:

The applicants were making representations from 29.10.92.

The O.A. was filed on 8.2.94.

The SLP filed in O.A. 681/86 in respect of Shri Des Raj Bhargava was dismissed by the Hon'ble Supreme Court on 9.1.95.

The stay order was modified by the Supreme Court in the case of A. Lakshminarayana and others, in favour of the applicants, in or around December 1995 and the payment is required to be made in terms of O.M. dated 14.12.1993.

I therefore allow payment of interest from the date the O.A. was filed i.e. from 8.2.94. The payment of arrears of headquarters allowance along with interest should be paid to the applicants within a period of three months from the date of communication of this order. No order as to costs.

*M.R. Kolhatkar*  
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(M.R. Kolhatkar)  
Member (A)

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