

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 97/97.

Date of Decision: 02.04.1998.

G. K. Varghese, Applicant.

Ms. Neelima Gohad for
Shri S. P. Saxena, Advocate for
Applicant.

Versus

Union of India & Others, Respondent(s)

Shri R. K. Shetty, Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R. G. Vaidyanatha, Vice-Chairman.

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(1) To be referred to the Reporter or not? ✓

(2) Whether it needs to be circulated to
other Benches of the Tribunal? ✓

Resigned
(R.G. VAIDYANATHA)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 97/97.

Dated this Thursday, the 2nd day of April, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

G. K. Varghese,
(Ex-Assistant Foreman,
Ordnance Factory,
Dehu Road, Pune).

Residing at 52, Bhairov
Nagar, Dhanori Road,
Pune - 411 015.

... Applicant

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

VERSUS

1. Union Of India through
The Chairman,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta - 700 001.

2. The General Manager,
Ordnance Factory,
Dehu Road,
Dist Pune - 412 113.

... Respondents.

3. The Chief Controller of
Accounts,
Chittranjan Avenue,
Calcutta.

(By Advocate Shri R.K. Shetty).

: OPEN COURT ORDER :

¶ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN ¶

In this application the applicant is praying for payment of arrears of pay and allowances for the period from 19.02.1973 to 06.05.1988. The respondents have filed a reply. I have heard the Learned Counsels appearing on both sides.

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2. As already stated, the claim of the applicant is for arrears of pay and allowances for the period mentioned above. The applicant is relying on the Government Order dated 09.01.1994 under which pay fixation is done from 1988 till the date of the order. Now the applicant wants the same benefit for the previous period also.

The respondents have fairly conceded the claim of the applicant and they have stated that the matter is being processed for getting approval of the ~~audit~~ authority and sanctioning authority. There might be some delay on the part of the respondents in not making payment till now but since the respondents have conceded the demand of the applicant, the O.A. is to be allowed by giving necessary ~~directions~~.

3. The Learned Counsel for the applicant pressed for interest right from 1973 in view of the undue delay on the part of the respondents in not fixing his salary as per rules. The Learned Counsel for the respondents pointed out that ^{the} delay was due to some litigations pending in different Benches. He also commented on the applicant's delay in approaching this Tribunal as late as 1996 in respect of claiming arrears due from 1973 and onwards.

There is delay on the part of the respondents in not making payment for such a long period. There is also a delay on the part of the applicant in not

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approaching this Tribunal or some court for getting whatever is due to him at the appropriate time. Since there is delay on both sides, we have to strike a balance between the two. This application was filed on 07.01.1997. Now more than one year and two months have lapsed and still payment is not done. It may be that there is some administrative delay on the part of the respondents in making payment, particularly when they have to make calculations for the period which is about 25 years back. I, therefore, feel that interest atleast should be granted on the arrears from the date of ^{Refiling} ~~payment~~. In the circumstances of the case, I feel that interest @ 9% p.a. would be just and reasonable.

4. In the result, the O.A. is allowed as below :-

- (i) The respondents are directed to make payment of arrears of pay and allowances for the period from 19.02.1973 till 06.05.1988 as per rules, within a period of three months from the date of the order.
- (ii) The respondents shall pay interest to the applicant @ 9% p. a. on the arrears of amount due to the applicant from 07.01.1997 till the date of payment.
- (iii) In the circumstances of the case, there will be no order as to costs.

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.