

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 20.12.1993.

OA 913/89

J.P. GUPTA

... APPLICANT.

v/s.

UNION OF INDIA & ANR. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).  
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI A.N. GUPTA.

For the Respondents ... SHRI MANISH BHANDARI.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant J.P. Gupta in this application u/s 19 of the Administrative Tribunals Act, 1985, has sought directions to the respondents to make payment of salary and allowances with 18% interest thereon and to approve the medical bills and make payment of the same alongwith interest @ 18% p.a. The applicant has also prayed for a direction to the respondents to make payment of the difference of pay and allowances of the post of Finance & Accounts Officer from May, 1987.

2. The applicant was holding the post of Accounts Officer-III scale Rs.1100-1600 in the office of the Rajasthan Atomic Power Station, Rawatbhata. The applicant remained sick from 17.12.88 till his superannuation on 31.8.90. He did not receive his pay and allowances from January, 1989 onwards. As such, the applicant has claimed medical reimbursement and arrears of pay and allowances with interest thereon.

3. We have heard the learned counsel for the parties and carefully perused the records. So far as the claim for the pay of the post of Finance & Accounts Officer since May, 1987 is concerned, it is clear from the order dated 21.5.87 that the applicant was directed to discharge the current duties of <sup>Chk</sup> Finance & Accounts Officer in addition to other duties of

Accounts Officer-III in the RAPS ~~untill~~ further orders. The above order shows that the applicant had been given charge of current duties of the post of Finance & Accounts Officer and had not been formally appointed to the said post as envisaged under <sup>the</sup> provisions of F.R. 49. As such, the petitioner's claim for not having been paid the salary of the post of Finance & Accounts Officer is not tenable.

4. As to the payment of salary and allowances from 1.1.89 onwards, the applicant's counsel admits that the payment of salary and allowances from 1.1.89 till the applicant's retirement has been made to the applicant by the respondents. The applicant now claims merely interest on the delayed payment of <sup>an</sup> pay and allowances. Vide order of this Tribunal in C.P. No.3/91 dated 22.1.92 the applicant was directed to submit fresh application for leave for the period for which he had not been paid, <sup>a</sup> within ~~the~~ period of one week from the date of the order. The applicant thereafter submitted application for leave on 30.1.92. On 4.2.92, the payment of the leave salary was sanctioned by the respondents. Subsequently, a Demand Draft dated 18.2.92 for Rs.13751/- on account of the leave salary for the period from 1.1.90 to 31.8.90 was despatched to the applicant. The learned counsel for the applicant contends that the leave application for the period from 17.12.88 to 15.4.89 had already reached the respondents in the year 1989 and in spite of this fact the payment of salary for the leave period was delayed. He was, however, expected to make application to the appropriate authority at Bombay as he had by then been transferred to Bombay. In the circumstances, the delay, if any, in the payment of salary for the leave period was not due to any lapses on the part of the respondents and we do not consider it a fit case for grant of interest on the salary and allowances already paid to the applicant after the regularisation of the period during Gkine which the applicant had remained on leave due to medical grounds.

5. The controversy now is only regarding the payment of interest on the delayed reimbursement of medical bills. The applicant remained unwell from 17.12.88 to 31.8.90 during which period he had submitted his medical bills from time to time. He superannuated on 31.8.90. The reimbursements claimed on the basis of medical bill were made on 24.8.89, 20.9.89, 9.2.90, 1.9.90 and 17.9.90. The last medical bill was submitted on 4.10.90 and the payment was made to the applicant on 15.11.90. The applicant having remained continuously unwell from 17.12.88 till his retirement on 31.8.90 and last payment on the claim submitted on 4.10.90 having been made on 15.11.90, we find that no case for payment of interest on medical reimbursement is made out.

6. In view of the position stated above, this application does not succeed and it is dismissed with no order as to costs.

( O.P. SHARMA )  
MEMBER (A).

G.Krishna  
( GOPAL KRISHNA )  
MEMBER (J).