

(73)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

R.A. 65/94
in
O.A. 151/93.

Dt. of Decision : 1-9-94.

Dinesh Chandra Baheti

.. Applicant.

Vs

1. The Director,
S.V.P. National Police Academy,
Shivarampally,
Hyderabad - 500 252.
2. PAY & ACCOUNTS OFFICER,
D.C.P.W., Ministry of
Home Affairs, Block No.9,
5th Floor, C.G.O.
Lodhi Complex,
New Delhi - 110 003.

.. Respondents.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

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RA 65/94 in
OA 151/93

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO
VICE-CHAIRMAN I

J U D G E M E N T

Heard both the counsels.

2. The applicant in the OA filed this RA.
3. The OA was disposed of by order dated 12-7-94 and the operative portion is as under:-

"In the result the O.A is ordered as follows:-

- (a) The respondents have to pay the pension and DCRG on pro;rata basis as per rules and it does not carry interest if it is paid by 30-9-94, failing which the same carries interest at 12% p.a. from 1-10-1994 and
- (b) The interest on provident fund amount of the applicant till 12-5-1992 has to be paid as per the rates applicable for the period, if interest for the period claimed was not paid.

The time for compliance is upto 30-9-94.
No costs".

4. We have referred to the reason for not allowing interest in para 6 of the said order. We have observed therein that as a doubt has arisen as to whether O.M. dated 31-1-86 is applicable in regard to the case of the applicant or not, the delay cannot be held to be on the ground of administrative lapses and hence interest is not payable.

5. But the applicant referred to the correspondence between R1 & R2 in this RA and on that basis the learned counsel for the applicant urged that that correspondence does not disclose that either R1 or R2 entertained a doubt whether O.M. referred to above is applicable or not and the only doubt that was entertained is as to whether it is R1 or R2 who has to fill up the Format

and it is only during the course of the arguments it was stated that OM dated 31-8-86 is not applicable.

6. While adverting to the arguments of both sides in the OA we observed that the question involved is not one of administrative lapses. Hence we feel that there is no error apparent on the face of the record when interest was not ordered.

7. Accordingly this RA is dismissed. No costs.

(A.B. GORTHY)
Member (Admn.)

(V. NEELADRI RAO)
Vice-Chairman

Dated 1st September, 1994
Open court dictation

NS

Deputy Registrar(J)CA.

To

1. The Director, S.V.P.National Police Academy, Shivrampally, Hyderabad.252.
2. The Pay and Accounts Officer, D.C.P.W. Ministry of Home Affairs, Block No.9, 5th Floor, C.G.O. Lodhi Complex, New Delhi-3.
3. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

6/9/94

TYPED BY CHECKED BY
COMPAED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

A. B. Gorthi

THE HON'BLE MR. ~~E. RANGARAJAN~~ : M(L.D.N)

DATE: *1-9-1994*

ORDER/JUDGMENT

M.A.No./R.A/C.A.No. *65/94*

in

O.A.No. *151/93*

(T.A.No. (W.P.NO

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

