

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1263/96.

Dt. of Decision : 11-6-97.

G.Lakshminarayana

.. Applicant.

Vs

1. The Union of India, rep.by
its Secretary, Min.of Defence,
New Delhi.
2. The Engineer-in-Chief,
Army Headquarters,
New Delhi.11.
3. The Chief Engineer,
Southern Command,
Engineers Branch Military
Engineering Services,
Pune-1.

.. Respondents

Counsel for the applicant : Mr.P.B.Vijaya Kumar

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)



ORDER

Heard Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA joined initially as Surveyor Assistant Gr-II in Military Engineering Service on 1-6-63. He applied for the post of Assistant Engineer (Civil) in Hindustan Zinc Ltd. and he joined in the Hindustan Zinc Ltd. w.e.f., 1-10-75 after he ^{was} selected for that post. The applicant filed OA.559/91 praying for grant of pro-rata pensionary benefits consequent to his absorption in Hindustan Zinc Ltd for the period he worked in government in MES department. That OA was allowed by the order dated 28-1-94 and it was directed the respondents to treat the applicant as having become a permanent employee of MES w.e.f., 1-4-74 and also granted the consequential benefits with regard to the grant of pro-rata pensionary/terminal benefits as applicable to persons seeking employment under public sector undertakings in accordance with the extant orders. It was further stipulated ~~that the~~ to comply with the direction within a period of 4 months from the date of communication of the order viz., 28-1-94. It is now stated that the applicant was given the pro-rata pensionary benefits as directed by this Tribunal in OA.559/91. He was also paid the arrears on that basis for the period from 1-10-75 to 31-8-95 amounting to Rs.60,462/- which includes gratuity amount of Rs.2,625/-.

3. This OA is filed praying for a direction to the respondents to grant interest on benefits of pro-rata pension and gratuity etc., on the accrued payments at 18% per annum for the period from 1-10-75 to 31-8-95.

4. A reply has been filed in this OA. The learned counsel for the respondents submitted that in the order of this Tribunal dated 28-1-94 there is no direction ^{in regard} to the payment of interest on the accrued amount. Four months time was given for implementation of the judgement. But due to procedural difficulties the arrears were paid on 31-8-95. Hence, the applicant cannot be granted any interest as the previous judgement does not stipulate payment of any interest and he was paid within the reasonable period after the receipt of the judgement.

5. The applicant brought to my notice that the direction of this Tribunal in OA.392/95 decided on 18-6-95 ^{In that OA} was also certain arrears ^{was} to be paid in view of the direction given in RA.27/93 decided on 23-8-93 in that OA. But the direction was not complete. Hence though the Bench rejected the claim for interest from earlier period the interest was ordered from the date of expiry for implementation of the judgement in RA.27/93 till the date of payment of part arrears at the rate of 12% p.a. He further submitted that in this OA also the applicant ^{may} ^{be given} cannot claim interest for an earlier period ^{earlier} ~~than~~ the expiry of the period for implementation of the judgement in OA.559/91. The applicant if at all can claim any interest on the accrued amount it can be only from the expiry ^{date} of the implementation of the judgement in OA.559/91 till the arrears were paid.

6. The learned counsel for the respondents submitted that the implementation of the judgement required lot of procedures for compliance. The 4 months time given is very inadequate to comply with all the procedural formalities. Hence, the department took some more time to follow the procedure and paid him the arrears on 31-8-95. Hence, the applicant cannot be granted even that relief for interest from the date of expiry of the judgement in OA.559/91 till 31-8-95.

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2. If the respondents could not implement the judgement in OA.559/91 within the stipulated period of four months from the date of receipt of the copy of that order in that OA then they should have approached this Tribunal for extension of time for implementation. But the respondents have not taken any initiative for extending the time for compliance. In the absence of any such request it will not be in order if the respondents reject the claim for interest ^{as delayed payment beyond the expiry date of} ~~as directed in OA.559/91.~~

*For implementation
of judgement
in OA 559/91*

I see some point in the submission of the respondents that the procedural formalities took some time and hence it was paid on 31-8-95. But the date of payment was more than one year from the date stipulated for implementation of the judgement in OA.559/91. Hence, some relief has to be given to the applicant by way of interest for the period beyond the date of expiry of the implementation of the judgement in OA.559/91. ^{Conceding} ~~Considering the~~ another four months for implementation of the judgement, the judgement ^{in OA 559/91 has been} should be implemented latest by 24-10-94 as the judgement was received by the respondents on 25-2-94. Hence, I feel that the interest is payable on the accrued amount from 25-10-94 till the date of payment at the rate of 12% p.a.

8. In the result, the following direction is given:-

The respondents should pay ~~the applicant's~~ interest on the accrued amount paid on 31-8-85 at the rate of 12% p.a. for the period ~~from~~ from 24-10-94 to 31-8-95.

9. The OA is ordered accordingly. No costs.

me
(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 11th June 1997.
(Dictated in the Open Court)

spr

for him
D.R.(J) 18th

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Copy to:

1. The Secretary, Min. of Defence, New Delhi.
2. The Engineer in Chief, Army Head Quarters, New Delhi.
3. The Chief Engineer, Southern Command, Engineers Branch
Military Engineering Services, Pune.
4. One copy to Mr.P.B.Vijaya Kumar, Advocate,CAT,Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R.(A), CAT,Hyderabad.
7. One duplicate copy.

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10/7/92

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATED: 11/6/97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

in

O.A. NO. 1263/96

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court

