

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 477/96

Date of Order : 23.12.97

BETWEEN :

B.Suryanarayana Rao

.. Applicant.

AND

1. The Union of India, rep. by the
Secretary, Dept. of Posts,
Dak Bhavan, New Delhi.

2. The Member (Personnel),
O/O The Director General,
Dept. of Posts, Dak Bhavan,
New Delhi.

3. The Chief Postmaster General,
A.P.Circle, Hyderabad.

4. The Post Master General,
Hyderabad Region, Hyderabad.

5. The Post Master,
Karimnagar, H.O.

6. The Superintendent of Post Offices,
Adilabad Division, Adilabad.

.. Respondents.

Counsel for the Applicant

.. Mr.T.V.V.S.Murthy

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (ADMN.)

Q R D E R

X As per Hon'ble Shri H.Rajendra Prasad, Member (Admn.) X

Heard Mr.N.Rama Mohan Rao, for Mr.T.V.V.S.Murthy, learned
counsel for the applicant, and Mr.N.V.Raghava Reddy, learned
standing counsel for the respondents.

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2. The applicant was compulsorily retired on 30.10.71 as a consequence of disciplinary proceedings initiated against him under Rule 14 of CCS (CCA) Rules, 1965. The Sub-ordinate Judge, Karimnagar, decreed the original suit filed by the applicant, directed ~~that the applicant be reinstated in service, and that he was entitled to receive his full salary from the date of suit till his reinstatement in service.~~ A Division Bench of Hon'ble High Court of Andhra Pradesh allowed a LPA on 19.2.87 setting aside the judgement earlier passed by a Single Bench of the same Court in an appeal filed by the respondents against the orders passed by the Sub-ordinate Judge. Consequently, the applicant was reinstated in service on 23.4.88, and arrears due to him were settled subsequently as under :

Pay and Allowances on 25.6.95

HRA & P.L.Bonus on 19.9.96

3. The applicant in this OA claims interest on the delayed payments on the ground that the respondents failed to comply with the original stipulation of the Sub-ordinate Judge, regarding the implementation of the decree granted by him, with regard to the payment of pay and allowances. The second argument is that as the Hon'ble High Court had allowed the applicant's LPA on 19.2.87, and conceding that six months would be a reasonable period to pay all due arrears to the applicant, they should have ensured the disbursement of due amounts by at least 19.8.87, whereas the actual disbursal was delayed beyond all reasonable limits as already indicated in para (2) above.

4. Mr.N.V.Raghava Reddy, learned standing counsel for the respondents drew pointed attention to the fact that the applicant in course of successive litigation in various Courts, including this Tribunal, had never raised the question of interest and that

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this is the first occasion on which it has been raised. He also submitted that the delays which have occurred in this case were inevitable considering the prolonged litigation indulged in by the applicant himself, besides the bare intervals ~~mergesitated by~~ internal administrative procedures.

5. It is not found possible to agree with the submissions of the respondents because the process of litigation finally came to end on 19.2.87. Mr. Rammohan Rao pointed out that when they reinstated the applicant in service and decided to drop all disciplinary proceedings it should have occurred to the respondents that it would be logically necessary for them to arrange all legitimate dues to the applicant at least within prompt disbursal of reasonable time. While this is so, the precise causes for the inordinate delay in doing this remain unexplained and mere mention of administrative procedures as the reasons for the delay cannot be accepted as adequate or satisfactory.

6. I agree. The facts and circumstances of the case do not persuade me to hold that the unconscionable delay in this case was justified. It is therefore directed that the respondents shall take steps to sanction interest at the rate of 12% p.a. ^{made} to the petitioner in respect of ~~..~~ payments after 19.8.87 till the date of the actual disbursal of respective amounts. In arriving at the rate of interest now ordered, reliance is placed on the directions issued by the Cuttack Bench of this Tribunal in M.R. Pathro vs. Union of India (AIR 1988 (2) 261) which spells out the rationale and the precedents in this regard.

7. This direction shall be complied with within a period of 90 days from the date of receipt of a copy of this order.

8. Thus, the OA is disposed of. No costs.

(H. RAJENDRA PRASAD)
Member (Admn.)

Dated : 23rd December, 1997
(Dictated in Open Court)

sd

(96)

OA. 477/96

Copy to:-

1. The Secretary, Dept. of Posts, Dak Bhavan, New Delhi.
2. The Member (Personnel), O/o The Director General, Dept. of Posts, Dak Bhavan, New Delhi.
3. The Chief Postmaster General, A.P.Circle, Hyderabad.
4. The Post Master General, Hyderabad Region, Hyderabad.
5. The Post Master, Karimnagar, H.O., Karimnagar.
6. The Superintendent of Post Offices, Adilabad Division, Adilabad.
7. One copy to Mr. T.v.v.S.Murthy, Advocate, CAT., Hyd.
8. One copy to Mr. N.v.Raghava Reddy, Addl.CGSC., CAT., Hyd.
9. One copy to HHRP M(A), CAT., Hyd.
10. One copy to D.R.(A), CAT., Hyd.
11. One duplicate.

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TYPED BY
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I Court
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN
AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

DATED: 23- (2-1997)

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

O.A.No. 477/96
in

T.A.No.

(W.R.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

HYDERABAD

