

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 11.02.2000

OA No.218/98

Narendra Kumar Sharma S/o Shri Kunj Lal Sharma presently working as Cricket Coach, Rajasthan University, Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary, Department of Human Resources and Development, New Delhi.
2. Director General, Sports Authority of India, Jawahar Lal Nehru Stadium, New Delhi.
3. Regional Director, Central Zone, Sports Authority of India, Indira Gandhi Stadium, New Delhi.
4. Regional Director, Western Zone, Sports Authority of India, Sector 15, Gandhinagar, Ahmedabad.
5. The Secretary, Sports Council of Rajasthan, SMS Stadium, Jaipur.
6. The Secretary, Sports Board, University of Rajasthan, Jaipur.

.. respondents

Mr. P.N.Jati - counsel for the applicant

Mr. Manoj Kumar Sharma - counsel for respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. N.P.Nawani, Administrative Member

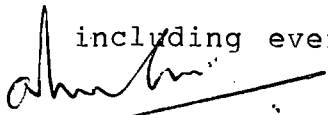
The controversy in this Original Application filed under Section 19 of the Administrative Tribunal Act, 1985 falls within a narrow compass i.e. whether the respondents should be directed to pay the applicant interest @ 24%, as prayed, on the

: 2 :

delayed payment of annual increments w.e.f. November, 1992 to November, 1997 and pay etc. from September, 1996 to January, 1997.

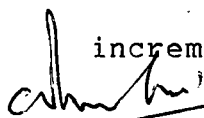
2. The case of the applicant, briefly stated, is that the applicant had joined his duties as Cricket Coach under Sports Authority of India (for short SAI) at Imphal on 13.11.1991 on the basis of appointment offer dated 5.9.1991 (Ann.A2) and continued to serve at Imphal upto 30.9.1992 and thereafter at Bhopal from 1.10.1992 to 11.8.1995, at Gwalior from 14.8.1995 to 6.9.1996 and has been serving at Jaipur from 7.9.1996, the period intervening being the journey times between these shiftings. The applicant was not given annual increments as per his appointment letter as will be evident from Ann.A3 inspite of his having worked sincerely and satisfactorily. Further, his salary with HRA from September, 1996 to January, 1997 has also not been released. In order to get his problems solved, the applicant made many representations and a notice for demand of justice was also sent on 15.11.1997 (Ann.A1). In reply to the said notice, the SAI sent a reply dated 25.12.1997 (Ann.A4) asking the applicant to send his reply, which the applicant duly sent (Ann.A5) indicating therein that he had given the informations of this, the applicant has not been given annual increments and pay as stated earlier.

3. The respondents have filed a reply. It has been stated therein that the OA has become infructuous as increments of the applicant have been drawn upto date and the arrears accruing have been paid alongwith arrears of salary of September, 1996 to January, 1997, totalling to Rs. 1,00,795/-, including even bonus for 1997-98 which was due to him but not



claimed by him. Details of such payments have been annexed. The respondents have sought to explain the delay in releasing annual increments due to non-availability of his service documents with Regional Director, Netaji Subhash Central Centre on account of his various transfers and transfer of administrative control of Coaches posted in Rajasthan to West Centre, Gandhinagar w.e.f. 1.11.1996. It has also been mentioned that the applicant is also responsible for delay since he did not represent till he sent notice for demand of justice.

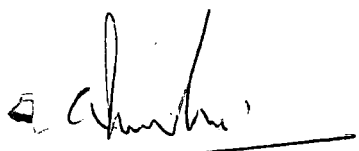
4. We have heard the learned counsel for the parties and have seen the records. As we have already observed, the only issue left to be decided is whether the respondents should be asked to pay an interest of 24 percent on the delayed payment of annual increments and salary etc. from September, 1996 to January, 1997. We have given our anxious consideration to the explanations given by the respondents for the delay, including the theory of lack of desired high levels of efficiency put forward by the learned counsel for the respondents, but it has not been possible to persuade us to completely ignore the financial difficulties/loss as well as the harassment the applicant must have undergone all these years. The applicant had, to begin with, go from Jaipur to Imphal to join on his own cost, which is quite a tidy sum for a common person. Thereafter he was transferred from place to place, made to serve at 4 locations within a span of just 5 years and while he was moving from place to place, the concerned officials sitting in comfort in the various Headquarter offices of SAI did not make any serious efforts to ensure that the applicant gets his annual increments and even salary for around 5 months was not paid to



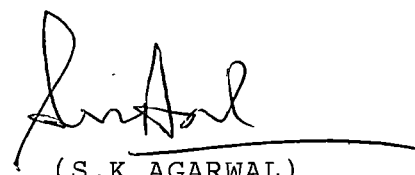
him on time ! It appears that it was only after the applicant served a notice for demand of justice (applicant has stated that he had sent many applications prior to this which has been denied by the respondents) that things started happening in the various offices of SAI. Considering all this background, we are of the opinion that it will be in the fitness of things that the applicant is compensated for the loss and harassment he had to undergo for absolutely no fault of his.

5. In the result, the Original Application is allowed partly and respondents are directed to calculate and pay the interest payable to the applicant @ 12% taking the annual increment payable from the date due and the day it was actually paid as also the interest @ 12% payable for delay in payment of salary and allowances for each of months from September 1996 to January, 1997. This direction may be implemented within 3 months of the receipt of a copy of this order.

10. No order as to costs.


(N.P. NAWANI)

Adm. Member


(S.K. AGARWAL)

Judl. Member