

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT GWALIOR

Original Applications No 477 of 2004

Jabalpur, this the 6th day of May, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

M.K. Dixit,
S/o Late Baburam Pujari,
Working as Administrative Member &
President, Board of Revenue, M.P. Gwalior,
R/o 12-B, Gandhi Road,
Gwalior – 474 002.

Applicant

(By Advocate – Shri K.D. Dixit)

V E R S U S

1. State Government of M.P.
Through its Chief Secretary,
Mantralaya, Vallabh Bhawan,
Bhopal – 462 004

2. Union of India,
Through Secretary,
Government of India,
Ministry of personnel,
P.G. & Pensions,
North Block,
New Delhi – 110 001.

Respondents

(By Advocate – Shri V.K. Sharma for respondent no.2
None for respondent no.1)

ORDER

By Madan Mohan, Judicial Member -

By filing this Original Application, the applicant has sought a direction to quash the orders dated 11.7.2003 (part order), 25.7.2003 and 8.6.2004 and sought a further direction to respondent No.1 to pay to the applicant arrears of salary and allowances due to him on account of his promotion to the Principal Secretary grade w.e.f. 12.1.1994 and also to pay interest on the delayed arrears of salary and allowances.

2. The brief facts of the case are that the applicant is a directly recruited IAS Officer of 1967 batch borne on the cadre of State of M.P and he retired on superannuation on 31.7.2004. Vide order dated 11.7.2003 the applicant was given promotion to the rank of Principal Secretary retrospectively w.e.f. 12.1.1994 in terms of the orders passed by this Tribunal in OA No.380/98 decided on 31.8.2001. The State Government had earlier denied him arrears of salary and allowances for the period from 12.1.1994 to 11.7.2003 on the basis of "no work no pay". However, during the course of the arguments, the learned counsel for the applicant has stated that the applicant has been paid full pay and allowances for the period from 12.1.1994 to 10.7.2003. We find that since the applicant has been paid the arrears of salary for the period from 12.1.1994 to 10.7.2003 vide order dated 29.11.2004(Annexure-R-1), the only question remains for consideration is interest on the delayed payment.

3. We have heard the learned counsel for the parties. We find that a similar matter had come before this Tribunal in the case of **Subroto Banerji Vs. UOI & Ors.** in OA No. 438/03 decided on 19.10.2004 in which the Tribunal held as under :-

“6.1 The applicant has submitted that he has been promoted to Super Time Scale of the IAS w.e.f. 31.8.1987 consequent to the orders of the Tribunal. He has also been paid the back wages as part of the consequential benefits. Now he is only claiming for payment of interest on the arrears of the back wages which form part of the consequential benefits of the earlier orders of the Tribunal. According to him, he has been deprived the monetary benefits in proper time which were paid to him only after the orders of the Tribunal. Had the applicant been promoted to the Super Time Scale from the date his juniors were promoted, he would have got the salary in time and would have earned interest thereon. The applicant is therefore, entitled for payment of interest on the arrears of back wages which accrued to him because of his back dated promotion w.e.f. 31.8.87. In support of his argument, he has relied upon a judgment of Chandigarh Bench of this Tribunal in the case of Surinder Singh Vs. Union of India & Ors. reported in 1988(7) SLR 645, judgment of Punjab and Haryana High Court in the case of V.P. Gautam, IAS(Rtd) Vs. Union of India and Ors., reported in 656 SLR 1979(2), judgment of Karnataka High court in the case of Vishwanath N Vs. State of Karnataka and Ors. reported in 1979(2) 670 and the judgment of the Hon’ble Supreme Court in the case of S.R. Bhanrale Vs. UOI & Ors. reported in (1996) 10 SCC 172 and also the judgment of Hon’ble Supreme Court in the case of Union of India Vs. Justice S.S. Sandhawalia reported in 1994 2 SCC 240, in which it has been held as under :-

“ Once it is established that an amount legally due to a party was not paid to it, the party responsible for withholding the same must pay interest at a rate considered reasonable by the Court”.

7. In view of the above discussion, I find some substance in the submission made by the learned counsel for the applicant. Considering all the facts and law, of the case, I direct the respondents to pay the interest on the arrears of salary to the applicant at the simple rate of 8% which is presently applicable to GPF accumulation of the Govt. servant from the date it was due to the date of actual payment within a period of three months from the date of receipt of a copy of this order. No costs”.

4. We have given careful consideration to the rival contentions and on careful perusal of the records, we find that the present case is squarely covered by the decision of this Tribunal in the case of

Subroto Banerji (supra). We are, therefore, in respectful agreement with the aforesaid order passed by this Tribunal and we hold that the aforesaid order passed by this Tribunal shall be mutatis mutandis applicable to the case of the present applicant as well.

5. In the result, the OA is disposed of with a direction to the respondents to pay the interest on the arrears of salary to the applicant at the simple rate of 8% which is presently applicable to GPF accumulation of the Govt. servant from the date it was due to the date of actual payment within a period of three months from the date of receipt of a copy of this order. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

skm

कृठंकन सं ओ/ज्ञा..... जबलपुर, दि.....
प्रतिनिधि: डॉ. विजय कुमार, जबलपुर
(1) सचिव, राजा. स. अधिकारी एवं अधिकारी, जबलपुर
(2) आवेदक नी/मी/मी/मु..... के प्रतिनिधि
(3) प्रत्यक्षी नी/मी/मी/मु..... के कानूनी
(4) विधिवाही, दोषा, जबलपुर, जबलपुर
सूचना एवं आवश्यक कार्यालय) के
उपरिकार्यालय

K.D
D.K.D. Sharma D.V.Gud
V.K. Sharma D.V.Gud
on Monday 02/02/2008

guseed
11/5/05