

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 382 of 2003

Jabalpur, this the 16th day of September, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri A.K. Bhatnagar, Judicial Member

Babulal Badhuliya, aged 60 years,  
S/o. Late Shri Ramkripal Badhuliya,  
MPA (General Fitter/Mech.) retired Highly  
Skilled Grade-II, R/o. C/o. Saini Provision,  
Near Fish Market, Ranjhi, Jabalpur,  
(M.P.)

... Applicant

(By Advocate - Shri S. Nagu)

v e r s u s

1. Union of India, through Ministry of Defence, South Block, New Delhi.
2. Engineer-in-Chief, Army Headquarters, Kashmir House, New Delhi-II.
3. Chief Engineer, Central Command, M.G. Road, Lucknow, U.P.
4. Chief Engineer, Central Zone, MES, Jabalpur, M.P.
5. Garrison Engineer (East) P.O. Gokalpur, Jabalpur (MP).
6. Commander Works Engineer, MES, Near Supply Depot Cantonment, Jabalpur, (MP).
7. Garrison Engineer (Project Factory), Khamaria, Jabalpur (MP).
8. Commander Works Engineer (Project), Factories, Post Box No. 89, Mall Road, Jabalpur - 482001. ... Respondents

(By Advocate - Shri S.P. Singh)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

Heard the learned counsel for the parties and perused the records.

2. By filing this Original Application the applicant has claimed the following main reliefs :

"8.1 to direct respondent No. 6 & 7 fix the pay of the applicant by including the increments which fell due from 1.1.1975 to September, 1983,

8.2 to direct respondents to release and pay to the applicant, the Night Duty Allowance to the tune of Rs. 1,66,906.80, alongwith interest @ 18% from the date it fell due and till its realization,

8.3 to grant all the consequential benefits which flow out of the relief at para 8.1 and 8.2, i.e. arrears of salary, fixation of pension, arrears of pension etc.,

8.5 to direct the respondents to grant interest at the rate of 12% per annum over the amount of Rs. 3063/- with effect from April, 1975 till May, 2004."

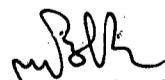
3. The learned counsel for the applicant has stated that during the pendency of the Original Application the relief claimed has already been granted to the applicant by the respondents by passing the order dated 10th May, 2004, whereby a cheque of Rs. 3,063/- towards payment of salary bill on account of arrears of increment w.e.f. 1975 to September, 1983 delayed due to non receipt of amendment <sup>ed 1</sup> LPC have been sent to him. He has further submitted that the only relief which required to be adjudicated by the Tribunal is with regard to the interest on this delayed payment. He has also submitted that the payment of salary is a continuous cause of action. In support of his argument he has relied upon the judgment of the Hon'ble Supreme Court in the case of M.R. Gupta vs. Union of India & Ors., 1995(5) SCC 628 in which the Hon'ble Supreme Court held that payment of salary/arrears of salary are continuous cause of action and therefore the claim of the applicant for arrears of salary for the period from 1975 to 1983 is not barred by limitation. We have gone through the judgment of the Hon'ble Supreme Court and we find that the same is not applicable in the present case and is distinguishable. As regards the payment of interest, the learned counsel for the applicant submitted-

that there is no provision in the Government rules for payment of interest on the arrears of salary. Thus, the provisions of Interest Act, 1978 would be applicable in the present case. The provisions of Interest Act, 1978 provides for payment of interest in the case which are adjudicated by the Tribunal and therefore this provision is applicable to the applicant's case and he is entitled for the interest on the arrears of salary.

4. The learned counsel for the applicant has not been able to show us any rule under which the interest on arrears of salary can be paid and he has also not been able to give us any citation or case laws where the Hon'ble Supreme Court has granted interest on the payment of arrears of salary. The applicant has relied upon a judgment of the Tribunal in the case of H.B. Vohra Vs. Union of India & Ors. 2004(1) ATJ 257. We find that the said judgment of the Tribunal is not applicable to the present case.

5. In view of the above facts and circumstances of the case, we are of the considered opinion that the applicant is not entitled for payment of interest on arrears of salary and accordingly, the Original Application is liable to be dismissed as having no merits. Accordingly, the Original Application is dismissed. No costs.

(A.K. Bhattacharya)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

"SA" पृष्ठांकन सं. ओ/ला. .... जबलपुर, दि. ....  
(1) सदिक, उच्च व्यापाराय दर एसोसिएशन, जबलपुर  
(2) अकेन्द्र श्री/श्रीमती/कु. .... के काउंसल  
(3) प्रसादी श्री/श्रीमती/कु. .... के काउंसल  
(4) श. श. कोपडा, जबलपुर व्यापारी  
सूचना एवं आवश्यक कार्यवाही देने

S. M. Singh  
SP Singh

571 उप रजिस्ट्रार

Issued  
on 27/10/04