

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 506 of 1999

Jabalpur, this the 21st day of March 2003.

Hon'ble Mr. Shanker Raju - Member (Judicial)  
Hon'ble Mr. R.K. Upadhyaya - Member (Admnv.)

Subroto Banerji, aged about 52 years,  
S/o Late Shri Jyotsna Bhshan Banerji  
Occupation; Govt. Service,  
Principal Secretary, Department of  
Medical Education, Govt. of Madhya  
Pradesh, Vallabh Bhawan,  
Bhopal, resident of B-17, Char  
Imli, Bhopal (M.P.)

APPLICANT

(By Advocate - Shri Manoj Sharma)

VERSUS

1. Union of India  
Through Secretary, Department  
of Personnel Public Grievance &  
pension, New Delhi.
2. State of Madhya Pradesh,  
Through; Chief Secretary,  
Mantralaya, Vallabh Bhawan  
Bhopal
3. General Administration Department  
State of M.P., Mantralaya,  
Vallabh Bhawan, Bhopal,  
Through ; Principal Secretary.

RESPONDENTS

(By Advocate - Shri S.C.Sharma)

ORDER (Oral)

By R.K.Upadhyaya, Member (Admnv.)-

This application has been filed seeking a direction to the respondents for payment of interest on arrears which have been paid to the applicant as a consequence of promotion to Super Time Scale with effect from 31.8.1987.

2. It is claimed that the applicant is a member of the Indian Administrative Service of 1971 batch. The applicant states that on account of certain adverse remarks for the years 1984-85, 1985-86 and 1986-87 his promotion to Super Time Scale was unjustified.

*R.K. Upadhyaya*

and arbitrarily delayed. Aggrieved by the illegal action of the respondents, the applicant had filed O.A. No. 765 of 1993 which was disposed of vide order dated 31.3.1997. The adverse remarks were directed to be expunged and review DPC was required to be constituted to consider the case of the applicant for promotion to the Super Time Scale if found fit with effect from 3.8.1987. The respondents have issued the order of promotion on 5.9.1998 and the applicant has been paid the arrears of salary and other benefits which accrued to him on account of delayed promotion. The claim of the applicant is that no interest has been paid to him to compensate for the unjustified losses caused to him in terms of monetary benefits. The applicant has further stated that he has made a representation as per his letter dated 20.7.1999 (Annexure-A-4) but no reply has been received by the applicant so far.

3. The learned counsel of the respondents stated that the applicant had been paid all the arrears of pay and allowances from 31.8.1987 in Super Time Scale. He invited attention to the reply filed on behalf of respondents 2 and 3 wherein it has been stated that the applicant should have waited for a reply on his representation before filing this application. According to the learned counsel this application being premature is liable to be dismissed.

4. We have heard both the counsel and have perused the material available on record.

5. In view of pendency of representation of the applicant claiming interest on delayed payment, we consider it just and reasonable to direct the respondents to dispose of the pending representation of the applicant. The respondents may consider the pleas raised in this O.A. as a supplementary representation and decide the claim of the interest of the applicant



in accordance with rules on the subject. For this purpose the applicant is directed to send a copy of this order to respondents nos. 2 & 3 within a period of one month. In case the applicant complies with our direction, the respondents 2 and 3 are directed to pass a speaking order on the representation of the applicant for claim of interest on arrears under intimation to the applicant within a period of two months from the date of receipt of a copy of this order.

6. In view of our direction in the preceding paragraph, this application is disposed of without any order as to costs.

John W. Young

(R.K.Upadhyaya)  
Member (Admnv.)

S. Raju

(Shanker Raju)  
Member(Judicial)

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Issued  
on 26.3.03  
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पृष्ठांकन से अलग  
संख्या लिखें ।