

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.2149/2013

Order reserved on: 07.03.2017

Order pronounced on: 02.03.2017.

Hon'ble Mr. Raj Vir Sharma, Member (J)
Hon'ble Mr. K. N. Shrivastava, Member (A)

Bijender Kumar Gaur,
Ex-Principal, M.C. Primary School,
Sarai Kale Khan II (City Zone),
New Delhi and Resident of
195A, Patparganj,
Delhi-110091.

- Applicant

(Applicant in person)

VERSUS

1. The Commissioner,
North Delhi Municipal Corpn.
Civic Centre, J.L. Nehru Marg,
New Delhi.
2. The Director of Primary Education,
North Delhi Municipal Corpn.
Civic Centre, J.L. Nehru Marg,
New Delhi.
3. The Dy. Director of Education,
(City Zone), J.L. Nehru Marg,
Opp. G.B. Pant Hospital,
New Delhi-110001.
4. The Sub Divisional Magistrate (Election),
14, Darya Ganj,
New Delhi-110002.
5. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat, I.P. Estate,
New Delhi-110002.
6. The Chief Election Officer,

NCT of Delhi,
Old St. Stephen's College Bldg.,
Kashmere Gate,
Delhi-110006.

-Respondents

(By Advocates Shri Satyendra Kumar (1&2) and Ms. Sangita Rai
(3-5))

ORDER

Mr. K.N. Shrivastava, Member (A):

Through the medium of this Original Application (OA), filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs:

“(a) To direct the respondents to pay the interest on the delayed payment of various dues as apparent from Annexure A1 to the applicant.

(b) To direct the respondents to pay the Honorarium and bonus during election duties for extra ordinary work at the rate of 9% interest.”

2. The brief facts of this case are as under:

2.1 The applicant joined the erstwhile Municipal Corporation of Delhi (MCD) as a Lower Division Clerk (LDC) on 09.07.1971. On 17.12.1976 he was appointed as an Assistant Teacher through a direct recruitment process undertaken by the MCD for its primary schools. He was promoted to the post of Headmaster on 16.05.2005 which was later converted as Principal in the grade of Rs.6500-10500. The first grievance of the applicant is that his salary and retiral dues have not been paid to him in time. He thus

claims interest @ 9% per annum on all the delayed payments. He has given a table at pages 7 to 11 of the OA, indicating the payments due and the delay occurred in releasing those payments to him. He, however, admits that all outstanding payments pertaining to his salary and retiral benefits have since been released to him.

2.2 The second grievance of the applicant is that he was put on election duty from 30.03.1994 to 04.09.1995 for which he was entitled to honorarium and bonus, which has not been paid to him. The total amount, according to him, comes to Rs.7350/-, which ought to have been released to him in October, 1995 itself. He thus claims payment of this amount along with interest thereon @9% per annum.

3. Pursuant to the notices issued, reply has been filed on behalf of respondents No.1&2 (North Delhi Municipal Corporation) and also on behalf of Government of National Capital Territory of Delhi (respondent No.3 to 5). No reply has been filed on behalf of respondent No.6, the Chief Election Officer for NCT of Delhi.

4. When the case was taken up for hearing the arguments of the parties on 07.03.2017, the applicant as party in person reiterated his prayers made in the OA and submitted that respondents have been causing him undue harassment to him in the matter of release of his salary and other financial benefits. He said that he has

received all such payments, including payments towards his retiral benefits, albeit belatedly. Hence, he is entitled for interest @9% p.a. on all such delayed payments, Shri Gaur argued.

4.1 He further submitted that no payment has been made to him by the respondents towards honorarium and bonus payable to him for the period 30.03.1994 to 04.09.1995 when he was on election duty. He submitted that he is eligible for payment of honorarium and bonus amounting to Rs.7350/-, which should have been released to him in October, 1995 and as such he is entitled for interest on this amount as well from October, 1995.

5. Per contra, Shri Satyendra Kumar, learned counsel for the respondents No.1&2, repelling all the allegations made in the OA, submitted that delays have occurred in releasing the payments to the applicant towards his salary due to non-cooperative attitude of the applicant. The applicant never came forward to sign the pay bills and to complete the necessary formalities despite repeated calls. He did not sign the pre-receipts, which was mandatory for drawing his monthly salary. He never submitted his bank details for crediting the salary amount. Many times, he did not accept the salary cheques. The learned counsel drew our attention to some of the Annexures attached with the reply of the respondents No.1&2 in this regard. He said that Annexure R-1 is a letter dated 27.03.1998 from School Inspector to the applicant asking him to take his

salary on 31.03.1998, Annexure R-2 is a report dated 15.05.1998 indicating that the applicant did not turn up in the office to get his bank account opened in the Central Bank, Chandni Chowk, Annexure R-3 is letter dated 04.08.1998 informing the applicant that since he has not signed his pay bills, which were to be pre-receipted and has not opened his bank account, his salary for the month of May, 1998 has been deposited in the Municipal Treasury, Annexure R-5 is a letter dated 11.10.1999 of Headmaster of MC Primary School, More Sarai, Delhi, indicating that the applicant has not given his bank account. Likewise, Annexure R-6, R-7, R-8, R-9, R-10, R-11, R-12 and R-13 stand testimony to the non-cooperative attitude of the applicant. Hence, the applicant is not entitled for any interest on the delayed release of his salary and other financial benefits to him.

5.1 Regarding the second prayer of the applicant pertaining to the payment of honorarium and bonus for the election duty period from 30.03.1994 to 04.09.1995 when the applicant was deputed for election duty, the reply of respondents No.1&2 is silent. However, Shri Satyendra Kumar fairly submitted that the respondents are agreeable to look into this matter with a fresh mind.

6. Ms. Sangita Rai, learned counsel for respondents No.3-5 submitted that functionaries of the GNCTD are proforma parties

and hence she does not have to submit anything further over and above the reply filed on behalf of these respondents.

7. We have considered the arguments of the parties and have also perused the pleadings and documents annexed thereto. After going through the records, we are fully satisfied that the applicant has been primarily responsible for the delay in the release of his salary in time. Hence, his claim for interest on delayed payments has to be viewed critically. The applicant has failed to satisfy us that the onus for the delayed payments lied on the respondents. Admittedly, the applicant has received all these payments, though belatedly. We are of the view that the applicant does not deserve grant of any interest on these delayed payments for the reasons mentioned in para-5 supra.

8. As regards the second prayer of the applicant as to payment of honorarium and bonus to him for the period from 30.03.1994 to 04.09.1995 when he was on election duty, admittedly no payment has been made by the respondents to him. Hence, it will be equitable to direct the respondents to look into this matter and release the amount due with a reasonable rate of interest.

9. In the conspectus of the discussions in the foregoing paras, we hold that the applicant is not entitled for any interest on the delayed payments of amount indicated at Annexure A-1. We, however, direct respondents No.1&2 to consider the claim of the

applicant for honorarium and bonus for the period from 30.03.1994 to 04.09.1995 when the applicant was put on election duty. Considering the fact that this amount ought to have been paid to him in October, 1995 itself, we direct respondents No.1&2 to pay to him simple interest @ 6% p.a. from 01.01.1996 to 28.02.2017 on the amount payable. The amount payable towards honorarium and bonus together with simple interest @6% per annum shall be paid by the respondents to the applicant within a period of three months from the date of receipt of a copy of this order.

10. Accordingly, the OA stands disposed of.

11. No order as to costs.

(K.N. Shrivastava)
Member (A)

(Raj Vir Sharma)
Member (J)

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