

**Central Administrative Tribunal
Principal Bench**

OA No.3134/2012

New Delhi, this the 06th day of November, 2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

Shri Yad Ram Yadav,
Retired Statistical Assistant (under suspension),
S/o Late Shri R.K. Yadav, Age 61 years,
R/o 885, Bawana
Delhi-110039.

...Applicant

(By Advocate : Shri T.D. Yadav)

Versus

1. Govt. of NCTD,
Through Commissioner,
Trade & Taxes,
Vyapaar Bhawan, I.P. Estate,
New Delhi.
2. The Chief Secretary,
Delhi Secretariat,
I.P. Estate, New Delhi.
3. Principal Secretary (Finance),
Delhi Secretariat, I.P. Estate,
New Delhi.
4. The Dy. Director (Planning),
Govt. of NCT of Delhi,
Planning Department,
Level-6, 'B' Wing,
Delhi Sachivalaya,
New Delhi-2.

...Respondents

(By Advocate : Shri Vijay Pandita)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard both sides.

2. The instant OA was allowed by this Tribunal vide order dated 17.05.2016, after hearing both sides and after perusing the documents on record. The relevant paragraphs of the said order read as under :-

“7. In this light of the matter, the OA deserves to succeed. The respondents are directed to calculate and give to the applicant within three months from the date of receipt of a copy of this Order, the arrears due to him on account of grant of the aforesaid benefit. He shall also be entitled to consequential benefits flowing from the said grant.

8. The OA is allowed accordingly. No order as to costs.”

3. However, the Review Application No.139/2016 filed by the applicant was allowed to the limited extent by order dated 24.03.2017, and the relevant paragraphs of the same read as under:-

“5. Obviously, we did not specifically negative the claim of interest, as we did not deal with it. Though we cannot allow the RA with a view to rehear the OA on its merits, as prayed for in the RA, as the learned counsel for the applicant, during the course of his arguments, has confined his prayer to rehear the OA on the claim of interest only, we are inclined to allow this RA.

6. Accordingly, the RA is allowed and the OA is restored to its original no. to be reheard on the claim of interest only.”

4. The learned counsel for the applicant submits that admittedly, the applicant was entitled for the reliefs claimed with effect from the due dates and the said claim was accepted by this Tribunal and accordingly he is also entitled for the interest on the arrears.

5. On the other hand, learned counsel for respondents submits that granting of 2nd financial upgradation is different from granting of interest on the arrears for the same. It is further submitted by him that the applicant was admittedly involved in a criminal case and though he was acquitted later from the said criminal charge, the departmental enquiry initiated against him is still pending and hence, it cannot be said that the applicant was completely exonerated from the charges. His involvement in the criminal case though acquitted later itself was the reason for the delay in releasing the payments and hence, the applicant is not entitled for any interest.

6. We find force in the submission made by the learned counsel for respondents. It was the applicant himself by way of his conduct, i.e., involvement in a criminal case, was responsible for the delay in granting the financial benefits and hence he is not entitled for grant of any interest in the peculiar circumstances of the case.

Accordingly, the OA is disposed of, as the claim for the main reliefs have already been granted by the respondents and denying the claim for interest. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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