

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00602/2017

Jabalpur, this Wednesday, the 01st day of May, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Rohni Prasad Patel, son of late Bajuri Prasad Patel, aged about 64 years, occupation – Retired Dak Vitrak, resident of village Khaira Post Itma, Tahsil Maihar, District Satna, M.P. Pin Code – 485771 (M) 9669000736
-Applicant

(By Advocate – Shri Komal Patel)

V e r s u s

1. Union of India through the Secretary, Department of Indian Post and Telegraph, Sansad Marg, Mantralaya, New Delhi – 110001.

2. The Superintendent, Post Office, Rewa Division, Rewa, M.P. - 486001
-Respondents

(By Advocate – Shri P.K.Chourasia)

O R D E R (O R A L)

By Navin Tandon, AM.

The applicant was working as Dak Vitrak with the respondent department from 16.09.2005 to 30.11.2016. He submits that he was working for five hours every day whereas, he was getting salary only for a period of two and half hours.

2. He submitted his representation on 31.05.2014 (Annexure A-2) and 03.07.2018 (Annexure A-3). When his representations

were not decided, he approached this Tribunal in OA No.200/1077/2016, which was disposed of on 15.02.2017 (Annexure A-4) directing the respondents to decide the representation within three months from the date of receipt of certified copy of the order. Accordingly, the respondents, vide their order dated 16.06.2017 (Annexure A-5) granted TRCA Rs.1740-30-2640 for the period 16.09.2005 to 30.11.2016.

2.1 Accordingly, the applicant was paid an amount of Rs.149229/- (Annexure R-1). However, no interest for the said period was paid to him.

3. He has, therefore, sought for the following reliefs:

“8. RELIEF(S) SOUGHT:

In view of aforesaid facts and circumstances it is humbly prayed that Hon’ble Tribunal may kindly be pleased to:-

(8)(i) Grant interest @12% per annum as per the order dated 16.06.2017 passed by respondent no.2 regarding payment of salary to the applicant for the period from 16.09.2005 to 30.11.2016.

(8)(ii) Grant exemplary cost of Rs.1,00,000/- for illegally withholding the salary of the applicant for the period from 16.09.2005 to 30.11.2016.

(8)(iii) Any other relief which this Hon’ble Court deems fit and proper under the present facts and circumstances

of this case be granted in favour of the applicant and this application be allowed with costs.”

4. Learned counsel for the applicant places reliance on the orders passed by the Madhya Pradesh State Administrative Tribunal in T.A. No.2744/1989 dated 4.2.1992 and also the judgment of Hon’ble Apex Court in **State of Kerla vs. M. Pandmanabhan Nair**, AIR 1985 SC 356, where interest was paid in case of delay in payment.

5. Learned counsel for the respondents submitted that the applicant has never submitted application for revision of TRCA prior to 31.05.2014. Therefore, his claim for interest w.e.f. 16.09.2005 is not permissible.

6. Heard learned counsel for the parties and perused the pleadings available on record.

7. We find that the amount which was payable to the applicant every month had not been paid and it was only after intervention of this Tribunal in OA No.200/01077/2016, the same was paid to him, without interest. Thus, we are of the view that the applicant is also entitled for the interest on the delayed payment of TRCA.

8. Accordingly, respondents are directed to pay the interest at the GPF rate of interest from the date when the revision of TRCA was due to the applicant till the date of actual payment. This exercise shall be completed within a period of 60 days from the date of receipt of a certified copy of this order.

9. The O.A is disposed of accordingly. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-