

## KOLKATA BENCH

An application under Section 19 of the Administrative Tribunal Act, 1985

Gora Chand Majhi, son of Late Joy

Chand Majhi, aged about 50

years, working as Postal Assistant

under Asansol Division, now posted

at Kalipahari P.O., residing at Vill.

Dihika (Jorepara), P.O. Suryanagar,

Dist. Paschim Burdwan, Pin-713361

(W.B.)

..... Applicant

- Versus -

1. Union of India service through the  
Secretary, Department of Posts,  
Government of India, Ministry of  
Communication and Information  
Technology, 20, Sanchar Bhavan,  
Ashoka Road, New Delhi-110001

2. The Chief Postmaster General,  
West Bengal Circle, South Bengal  
Region, Yogayog Bhavan, Chittaranjan  
Avenue, Kolkata-700012

3. The Postmaster General, West  
Bengal Circle, South Bengal Region,

**Yogayog Bhavan, Chittaranjan**

**Avenue, Kolkata-700012**

**4. The Director of Postal Services**

**(DPS), South Bengal Region, Yogayog**

**Bavan, Chittaranjan Avenue, Kolkata**

**- 700012**

**5. The Sr. Superintendent of Post**

**Offices, Asansol Division, Asansol,**

**Dist. Burdwan, Pin-713301**

**6. The Sr. <sup>As</sup>P.M./DDO, Asansol H.O.**

**<sup>As</sup>Division, Asansol, Dist. Burdwan, Pin-**

**713301**

**..... Respondents**

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

No.O A/350/1695/2017

Date of order : 12.03.2019

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member  
Hon'ble Dr.(Ms) Nandita Chatterjee, Administrative Member**

GORA CHAND MAJHI

VS.

UNION OF INDIA & OTHERS  
(POSTS)

For the applicants : Mr.A.K. Khan, counsel  
Mr. A.D. Pyne, counsel

For the respondents : Mr. T.K. Chatterjee, counsel

Heard on :23.05.2018

Order on :

Bidisha Banerjee, Judicial Member

Heard Id. counsel for both sides and perused the materials on record.

2. At hearing, it transpires that sole grievance of the applicant pertains to interest on delayed payment of MACP benefits and arrears which were due on 28.02.2012 but paid on 08.12.2016 i.e. after more than 4 years. The applicant's counsel has relied upon a judgment of the Hon'ble High Court at Bombay in Writ Petition No. 1763 of 2013 in M.R. Joseph vs. Union of India & Others, wherein interest at the rate of 6% per annum was allowed on delayed payment of MACP.

3. The respondents have disclosed in their reply that financial upgradation could not be implemented due to administrative reason. It further transpired from the reply that the applicant participated in a strike and as per extant rules,

date of such participation had to be counted as non-qualifying service and, therefore, benefit of financial upgradation could not be extended in time, therefore, delay in making payment could not be attributed to the respondents.

However, the respondents have alleged that cause of action having arisen on 08.12.2016 when the payments were tendered , preferring this original application in December, 2017 was a delayed one.

4. In our considered view, since the respondents have tendered the amount after a delay of 4 years and the payment was made only after filing of this O.A. , the plea raised by the respondents is not tenable.

5. Having considered the matter in entirety and having noticed that the respondents have failed to bring out any provision which would disentitle the applicant from receiving interest on delayed payment towards MACP benefits and in view of the fact that the delay is attributable to the respondents, we feel it appropriate to direct the authorities to pay interest at the present bank rate on the amount tendered to the applicant as MACP arrears in 2018 from the date the amount fell due till it was paid, within 4 weeks from the date of receipt of a copy of this order.

6. Accordingly the O.A. stands disposed of. No order as to costs.

(Dr. Nandita Chatterjee)  
Administrative Member  
sb

(Bidisha Banerjee)  
Judicial Member