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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.76/2014

Dated this 26th the day of June, 2019

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)

1. Partha Ghosh, Token No. 11402T,
Residing At Qtr No. P-22/8.Spdc Colony,
V N Purav Marg, Mankhurd (East),
Mumbal – 400 088.
2. S K Singh, Token No. 11408w,
Residing At Q.No-235/A/5, N.C.H Colony,
L.B.S Marg ,Kanjurmarg(W),
Mumbal - 400 078.
3. SK Sharma, Token No. 11384a,
Residing At Q.No- 199/03 N.C.H Colony
L.B.S Marg, Kanjurmarg (W),
Mumbai – 400 078.
4. Kamlesh Prasad, Token No. 10991
Residing At Q.No-L/16 N.C.H Colony
L. 3.5 Marn, Kanjurmarg (W)
Mumbai-400078.
5. Rv Singh, Token No. 10993t,
Residing At R No. 405-A, Kolshet Shivkripa
C.H.S, Kolishet Road ,Opp A.F.S,
Thane - 400607
6. S Selvakumar, Token No.10994a
Residing At Room No-203, B Wing Kaneri Park,)
Dist-Thane, Kalyan.
7. Ak Mishra, Token No. 10995e
Residing At R.No- D-5/15, Ashmita Jyoti C.H.S,
Marve Road, Malad (W) Mumbai-400095.
8. Ak Pathak, Token No. 10996k,
Residing At G-305 Mayuresh Park
Lake Road, Bhandup West, Mumbal-400078.
9. Sk Mishra, Token No. 10998r

Residing At Q.No- 140/06 N.C.H Colony,
L.B.S Marg Kanjurmarg (W), Mumbai-400 078.

10. Dewanand Ral, Token No. 10992n,
Residing At Q.No-M/11 N.C.H Colony,
L.B.S Marg .Kanjurmarg (W), Mumbai-400 078.
11. Ak Pathak, Token No.11394h,
Residing At R.No- A/201 , New Jamuna,
Tulij Road, Nallasopara(E), Thane-401209
12. Bk Mourya, Token No. 11414I,
Residing At R.No- A/04,
Ujala C.H.S, Plot No 1b, Sector -1 Airoli,
Dist -Thane, Navi Mumbai-400708
13. Ms Awate, Token No. 11405,
Residing At R.No- 506 Kartik Vill A,
Phakhadi, Kharegaon, Kalwa West,
Thane 400 605.
14. Devendra Kumar, Token No. 11404,
Residing At R.No-B1/202 Shree Complex
Phase Iii,Vikramgad C.H.S
Adhawadi Jail Road Kalyan (W), 421301.
15. Sk Mishra, Token No. 11380h,
Residing At R.No- 101, Shubh Dhara C.H.S,
Plot No-3a, Sector-15 Kamothe,
Navi Mumbai – 410209.
16. Mk Chourisia, Token No.11383t,
R/at R No.-102, 3a Anand Vihar
Near Bhawani Temple, 'B' Cabin Road,
Dist Thane, Ambernath (East).
17. Ks Dhillon, Token No.11400r,
Residing At Q NO - 529 11,
Chunabhatti Colony Naval Station
Karanja (Uran), Dist - Raigard 400 704.
18. D Kumar, Token No. 11390m,
Residing At R.No A-4/403,
Lok Udyan Complex, Kalyan (W),
Dist Thane – 421 301.
19. Sanjeev Kumar, Token No. 11391r
Residing At Q No. 145/04, N.CH Colony,

LB.S Marg, Kanjurmarg (W), Mumba 400078.

20. Rk Tiwari, Token No. 11388R,
Residing At Room No 202, Neelkanth Villa,
Plot No 38, Sector-19,
Kamothe, Navi Mumbai-410 209.
21. Jp Kadiyan, Token No. 11389m,
Residing At R.No-227/07,
Chunabhatti Colony, Naval Station Karanja
(Uran) Dist -Raigarh, Uran (Raigarh) 400704.
22. Dharmendra Kumar, Token No.11386k,
Residing At R.No-101, Plot No-310,
Premratan Appt. Vashi Village, Sector 31a,
Navi Mumbai-400 705.
23. Jp Singh, Token No. 93304b,
Residing At Qno- R/16 ,N.C.H Colony,
L.B.S Marg, Kanjurmarg (W), Mumbai-400078.
24. Nk Sharma, Token No. 11411w,
Residing At Q No- 198/ 8 N.C.H Colony,
L.B.S Marg, Kanjurmarg (W), Mumbai-400078.
25. Sk Sachin, Token No. 11379n,
Residing At Qno-B/104, Gokul Garden Town Ship,
Agashi Road, Bolinj Virar (W),
Dist Thane-401303.
26. B Kumar, Token No. 11406m,
Residing At Q No-0/28, N.C.H Colony,
L.B.S Marg, Kanjurmarg (W), Mumbai-400 078.
27. Bk Singh, Token No. 10962t,
Residing At A/8-702 , Pratapgarh C.H.S
Shree Coplex Phade m,
Adharwadi Jail Road, Kalyan West-421301.
28. Raghubir Singh, Token No. 11417a,
Residing At Flat No.601,
Shree Ashapura Residency C.H.S, Sec-7,
Khanda Colony, Panvel – 410206.
29. Gautam Prasad, Token No. 93302r,
Residing At Qtr No. P-59/1, Spdc Colony, V)
N Purav Marg, Mankhurd (East),
Mumbai – 400 088.

30. J Singh, Token No. 11527n,
Residing At Q.No-55/17, N.C.H Colony,
L.B.S Marg Kanjurmarg (W) Mumbai 400078.
31. Debu Das, Token No. 11524b
Residing At Room No- 102, Parth Complex
Plot No -37, Sector-21 Kamothenavi,
Mumbai – 410209.
32. Vibhash Kumar, Token No.11519R,
Residing At Qno- 235/B-6, N.C.H Colony,
L.B.S Marg, Kanjurmarg (W), Mumbai 400078.
33. A Kumar, Token No. 11531t,
Residing At R.No 1001 ,Sahil Exotica
Plot No-63, Sector -35 Kamothe,
Navi Mumbai- 410 209.
34. Sanjay Kumar, Token No. 11516e,
Residing At Q. No- 236/B-5 N.C.H Colony,
L.B.S Marg, Kanjurmarg (W),
Mumbai-400078,
35. Elton Aranha, Token No. 11548k,
Residing At R.No- C-144 ,Shalimar Bldg.
Hill Garden C.H.S, Chitalsar, Manpada,
Thane (W) – 400610.
36. Fazal Ahmad, Token No. 11547e,
Residing At R No: B-502, Tirupati Icon
Plot No-45, Sector -20, Kamothe,
Navi Mumbai-410209.
37. Rs Pawar, Token No. 11541b,
Residing At R No- D/305 , Shrihari Complex,
Sriprastha 2nd Road, Nallsoppara (W)
Dist -Thane, Nallasoppara (E)-401203
38. Niranjana Singh, Token No. 11543I,
Residing At R No- F-203 , Samruddhbhoomi,
C.H.S Near, Matheran Road, Sukapur,
Panvel, Navi Mumbai-410206.
39. Ps Rawat, Token No. 11538b,
Residing At Q.No -K/19, N.C.H Colony,
L.B.S Marg, Kanjurmarg (W), Mumbai-400078.
40. Ma Khan, Token No. 11539h
Residing At Qno- 677/03, Chunabhatti,

Colony Naval Station, Karanja (Uran),
Dist- Raigarh- 400 704.

41. Anil Kumar, Token No. 11525h,
Residing At R.No- 112, Jai Bajrang Bali C,H,S)
Khombe Dev, Dharavi, Mumbal – 400 017.
42. Swaraj Singh, Token No. 11529a,
Residing At Room No.-003, Bldg No.-6,
Uran Park Co-Op Hsg Soc. Ltd,
Uran Mora Rd, Uran, Raigad-400702.
43. Nk Pandey, Token No. 11520k,
Residing At Vijay Park Punarvasan Chowl,
Kesar Vadavali, Near Adarsh Vidya Mandir,
Ghodbander Road,Thane (W) – 400 615.
44. Pramod Kumar, Token No. 11517k,
Residing At Room No- 131/202
Shree Complex Phase III,
Adhawadi Jail Road, Kalyan (W)-421301.
45. Bk Diwakar, Token No. 93075b,
Residing At Q.No- 203/16, N.C.H Colony,
L.B.S Marg, Kanjurmarg (W), Mumbai-400078.
46. Md Akbar Khan, Token No. 11823a,
Residing At N/11, N.C.H. Colony, L.B.S. Marg,
Kanjurmarg (W), Mumbai-400 078.
47. Amish Kumar, Token No. 11821n,
Residing At B-8/141, D.G.Q.A. Complex,
Jagdusha Nagar, Ghatkopar (W)
Mumbal-400086
48. Rajkaran Singh, Token No. 11832b,
Residing At B-8/144, D.GQ.A. Complex,
Jagdusha Nagar, Ghatkopar (W), Mumbai-400086
49. Prashant Kumar, Token No. 11790a,
Residing At Laxmi Niwas, Omkar Colony,
Po: Uran, Raigad – 400702.
50. Sunil Kumar Pandey, Token No. 11395I,
Residing At 199/7, N.C.H. Colony, L.B.S. Marg,
Kanjurmarg (W), Mumbai-400078.
51. Kulvir Singh, Token No. 11396n,
Residing At M/16, N.C.H. Colony, L.B.S.Marg,

Kanjurmarg (W), Mumbai-400078

52. R.K.Singh, Token No. 11397t,
Residing At 504, Royal Arcade, C.H.S.
Plot No. 45/46, Sector-21, Kamothe,
Navi Mumbai-410209
53. Pawan Kumar, Token No. 11399e
Residing At E/302, Geeta Nagar,
Mira Road E, Thane.
54. Pradeep Kumar Giri, Token No. 11827r,
Residing At N/12, N.C.H. Colony, LBS. Marg,
Kanjurmarg (W) Mumbai-400078
55. Jitendra Singh, Token No. 11809m,
Residing At 158/28 N.C.H. Colony, L.B.S. Marg,)
Kanjurmarg (W), Mumbai-400078
56. Anil Kumar, Token No. 11803I,
Residing At 202/F, More, Sea View Park,
Mora Road, Taluka: Uran, Raigad-400704.
57. Chinmoy Panda, Token No.11788e,
Residing At A4/701, Mohan Regency,
Adharwadi Jail Road, Adharwadi,
Kalyan(W), Thane-421301.
58. Shailendra Pawar, Token No. 11800w,
Residing At 198/2, N.C.H. Colony, L.B.S. Marg.
Kanjurmarg (W) Mumbai-400078.
59. P.K.Singh, Token No. 11804n,
Residing At P-20/6, S.P.D.C. Colony,
Mankhurd (E), Mumbai-400 088.
60. Nityanand Sharma, Token No. 11791e,
Residing At 101/E, Gopal Krishna Park,
Sree Malang Road, Kalyan(E), Mumbai-421306.
61. Satyapal Singh, Token No. 11792k,
Residing At 232/B-7, N.C.H. Colony,
L.B.S. Marg, Kanjurmarg (W) Mumbai-400078.
62. Mukesh Kumar, Token No. 11820I,
Residing At M/22, N.C.H. Colony, L.B.S. Marg.
Kanjurmarg (W) Mumbai-400078
63. Manish Kumar, Token No. 11793m,
Residing At 141/03, N.C.H. Colony,

L.B.S. Marg, Kanjurmarg (W), Mumbai-400078

64. Shashank Shekhar, Token No. 11818n,
R/at 142/06, N.C.H. Colony,
Residing At L.B.S. Marg, Kanjurmarg (W)
Mumbai-400078.
65. Remesh Kumar, Token No. 11805t,
Residing At 234-B/5n.C.H. Colony,
L.B.S. Marg, Kanjurmarg (W), Mumbai-400078
66. Rakesh Banerjee, Token No. 11814w,
Residing At 48/13n. C.H. Colony, L.B.S. Marg,
Kanjurmarg(W), Mumbai-400078
67. Rakesh Kumar, Token No. 93303w,
Residing At P-57/5, S.P.D.C. Colony.
Mankhurd (E), Mumbai- 400 088.
68. S. K. Singh, Token No. 11919 E
Residing At Flat No. B-1/205, Vasant Vihar,
B-Cabin Road, Ambernath (E) 421 501.
69. B. K. Prasad, Token No. 11920 T
Residing At Flat No. B/104,
Radhakrishnapark, Shri Malang Road
Kalyan (E) – 421306.
70. S. K. Singh, Token No. 11922 E
Residing At Flat 1a/103, Sunrise Valley C.H.S.,
Shri Malang Road,Kalyan (E)-421306.
71. Subeesh S. M., Token No. 11963 L,
Residing Flat No. 001, Blg. No. 40,
Kinjal C.H.S., Sector - 1, Shanti Nagar,
Mira Road (E) – 401 107.
72. A. K. Rai., Token No. 11964 N,
Residing At Flat No. 21 C/203,
Kailash Nagar, Vadavli Section,
Ambernath (E) – 421 501.
73. R. K. Haldar, Token No. 11942 R,
Residing At B-3/54, Dgqa Colony,
Jagdusha Nagar, Ghatkopar(W),
Mumbai- 400 086.
74. O. P. Gaur, Token No. 11933 N,
Residing At 227/6, Chunabhatti,Naval Station,

Karanja, Uran, Raigad- 400 704.

75. Ramniwas Choudhary , Token No. 11948 T,
Residing At R. No. 102, A Wing, Swaraj C.H.S.
Sukapur, New Panvel, Raigad-410206.
76. S. A. Khan, Token No. 11947 N,
Residing At 104 - A Wing, B. No. 14,
Mansarovar Complex, Sector 34, Kamothe,
Navi Mumbai – 410 209.
77. V. C. Negi, Token No. 11929 L,
Residing At 236-A/5, Nch Colony,
Kanjurmarg (W), Mumbai-400 078.
78. Santosh Kumar, Token No. 11936 E,
Residing At 233 - A/6, Nch Colony,
Kanjurmarg (W), Mumbai-400 078.
79. S. P. Sahu, Token No. 11951 T
Residing At 172/7, Nch colony,
Kanjurmarg (W) Mumbai-400078
80. C. B. Sharma, Token No. 11931 H,
Residing At 147/03, Nch Colony,
Kanjurmarg (W) Mumbai-400078.
81. M. Chowdhury, Token No. 11961 B,
Residing At A-3/80, Dgqa Colony,
Jagdusha Nagar, Ghatkopar (W),
Mumbai-400086
82. A. P. Dubey, Token No. 11927 B,
Residing At R. No. 3, Chauhan Chawl,
Ambika Nagar - 1, Wagle Estate,
Thane (W)-400 604.
83. Vinay A. Meshram, Token No. 11959h,
Residing At P-41/3, Spdc Colony,
Mankhurd (E), Mumbai-400 088.
84. B. K Tiwari, Token No. 11940k,
Residing at Flat No. 2a/C-1 Wing,
Neel Kamal C.H.S. Premji Nagar,
Borivali (E), Mumbai-400 066.
85. S. K. Suman, Token No. 11926w,
Residing At R. No. 308, Bldg. No. K- 11,
Mmrda Colony, Kanjur Marg(W),

Mumbai – 400 078.

86. Bablu Kumar, Token No. 11923 K,
Residing At 162/02, Nch Colony,
Kanjurmarg (W), Mumbai- 400 078.
87. H.S.Jatav, Token No.93270w,
Residing At Qtr No.226/12, Chunabhatti Colony,
Nad Karanja, Uran, Raigad-400 704.
88. R. V. Komurlekar, Token No. 12055 R,
Residing At R. No. 104/4, Hema Park,
V. S. Road, Bhandup (W), Mumbai-400 042.
89. M. D. Alam, Token No. 12009 B,
Residing At 0/12, Nch Colony,
Kanjurmarg (W), Mumbai-400 078.
90. S. K. Dash, Token No. 12060 B,
Residing At 139/7, Nch Colony,
Kanjurmarg(W), Mumbai-400 078.
91. V. S. Rao, Token No. 93053 E,
Residing At 53/20, Nch Colony,
Kanjurmarg(W), Mumbai-400 078.
92. Adesh Kumar, Token No. 12030 H,
Residing At Flat No. I-202,
Samrudhbhoomi C.H.S, Matheran Road,
Sukapur, New Panvel-410 206.
93. S. K. Swain, Token No. 11999 K,
Residing At C/202, Radhakrishna Park,
Shree Malang Road, Kalyan (E)-421 306.
94. L. K. Yadav, Token No. 12045 L,
Residing At Flat No. A-7/102,
Nilgirilokudyan C.H.S. Sanglewadi,
Kalyan(W)- 421 301.
95. Sudhir Kumar, Token No. 12047 T,
Residing At B-5/96, Dgqa Colony
Jagdusha Nagar, Ghatkopar (W),
Mumbai-400086
96. Sangeet Kumar, Token No. 12116 E,
Residing At Ec-29, A-101, Sai Seva C.HS.
Evershine City, Vasai(E), Thane-401208.

97. J. N. Khadanga, Token No. 12006 M,
Residing At R. No. 13,
Om Shri Ganeshkripa Apt., Barrage Road,
Kulgaon, Badalapur, Thane Dist.- 421 503.
98. Amit Kumar, Token No. 11998 E,
Residing At Flat No. C-303, Gopal Krishna Park,
Shri Malang Road, Kalyan (E) 421 306.
99. A. K. Malik, Token No. 93307n,
Residing At B-3/55, Dgqa Colony,
Jagdusha Nagar, Ghatkopar (W)
Mumbai- 400 086.
100. D. G. Chauhan, Token No. 12054 M,
Residing At 235-B/2, Nch Colony,
Kanjurmarg (W), Mumbai-400 078.
101. P. K. Balyan, Token No. 12062 L,
Residing At 235-B/8, Nch Colony
Kanjurmarg (W), Mumbai-400 078.
102. M. K. S. Mahapatra, Token No. 12004 E,
Residing At B-3/55, Dgqa Colony,
Jagdusha Nagar, Ghatkopar (W), Mumbai-400 086.
103. B. K. Sharma, Token No. 93060 W,
Residing At 208/15, Nch Colony,
Kanjurmarg (W), Mumbai – 400 078.
104. Santosh Kumar, Token No. 12070 K,
Residing At 139/05, Nch Colony, Lbs Marg
Kanjurmarg (W), Mumbai-400078.
105. H. B. Dutt, Token No. 12066 E,
Residing At 9, Shiv Shakti Niwas,
Ratembai Compound, Shivaji Nagar,
Thane – 400 604.
106. S. K. Jha, Token No. Ic No. D425949,
Residing At Flat No. F/8, Bldg. No. 6,
Heena Garden Complex, Pipe Line Road,
Kalyan (W).
107. B. S. Shaik, Token No. 12033 T
Residing At Flat No. 103, A Block,
Hari Ganesh Apartment, Suchak Nagar,
Kalyan (E) – 421 306.

108. Devender Kumar, Token No. 12069 R,
Residing At Q. No. 675/04, Nad Karanja,
Uran, Raigad Dist. 400 704.
109. Sangeet Kumar, Token No.12065 A,
Residing at 141/4, Nch Colony, Lbs Marg,
Kanjurmarg (W), Mumbai 400 078.
110. Kunal Gautam, Token no.11958,
R/at Qtr No.673/03, Chunabhatti Colony,
Nad Karanja, Raigad Dist. 400 702.
111. A.K. Singh, Token No.11526I,
R/at Flat No.102, Bldg. 3, Plot No.448,
Moraj River Side Park, Takka, Panvel
Raigad Dist. 410 206.
112. V.K. Karun, Token No.11928-H
R/at Q.No.140/5 N.O.H. Colony,
Kanjurmarg (W), Mumbai 400 078.
113. S.K. Pandey, Token No.93072-L,
R/at Q.No.K-22 N.C.H. Colony,
Kanjurmarg (W), Mumbai 400 078.
114. Sukamal N. Gosh, Token No.93403-H
R/at G-5 Dewan Mension, CHSL,
Near Akshaya Hotel, Ambati Road, Vasai
Road (W) – 401 202.
115. R.K. Tripathi, Token No.12046-N
R/at A-203, Samruddhoomi Complex Sakapur,
Matheran Road, New Panvel, Navi Mumbai 410 206.
116. R.K. Mishra, Token No. 12119-R
R/at Heena Garden 'B' CHSL, Wagle Nagar,
Kalyan (W) – 421 301.
117. D.R.Bhagat, Token No. 11515-A
Residing At '504' Vrindavan Garden,
Gandhare, Kalyan (W) 421 301.
118. Rajesh .G Pandey , Token No. 11528T
Residing At E-2/401, Royal Park,
Ambarnath (E), Thane 421 501. ...

Applicants

*(All are Working at Naval Dockyard, Lion Gate,
Shahid Bhagat Singh Marg, Mumbai 400023
& residing at addresses mentioned above.)*

(By Advocate: Shri A.A. Manwani)

Versus

1. Union of India, through Secretary
Ministry of Defence, South Block
New Delhi-110 001
2. Admiral Superintendent
Naval Dockyard, Mumbai
Lion Gate, Mumbai 400023.
3. Personnel Manager
Naval Dockyard, Mumbai,
Lion Gate Mumbai 400023.
4. Principal Controller of Defence
Accounts, having his Office at 1,
Cooperage Road, Mumbai 400039. ... ***Respondents.***

(By Advocate Shri N.K. Rajpurohit)

Reserved on : 15.03.2019.

Pronounced on : 26.06.2019.

ORDER

Per : R.N. Singh, Member (J)

MA/111/2014 filed on behalf of the applicants for filing OA jointly is allowed.

2. This OA has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking for the following reliefs:-

"8.a) That this Hon'ble Tribunal will be graciously pleased to direct the respondents to pay to each of the applicants interest calculated at the rate of 18 percent per annum or at such other rate as may appear just and proper to this Hon'ble Tribunal, on the amounts paid to each of the applicants in February 2012 in pursuance of order dated 16th June, 2003 (Annex.A-1 to this OA) from January, 2004 till

January, 2012.

8.b) *That costs of this application be awarded in favour of the applicants; and*

8.c) *That such other and further reliefs as are expedient be granted in favour of the applicants."*

3. The facts of the case as contended by the Applicants are that they have joined Naval Dockyard after completion of training in Dockyard Apprentice School. The respondents have altered the grading system by applying DTM 4/97 instead of DM6/85. Aggrieved with it they have filed O.A.Nos.989/1999, 655/2000, 584/2001 and 124/2001 before this Tribunal, which alongwith a few other OAs were allowed by this Tribunal by common order/judgment dated 30.06.2003. The relevant portion of the order dated 30.06.2003 reads as under:-

"47. Having regard to the aforesaid, first set of OAs is partly allowed. Clause 9 (a) in DTM117/99 is quashed and set aside. Respondents are directed to re-consider the grading given to applicants as per DM6/85 having regard to the marks secured in the final examination of apprenticeship and accordingly re-allocate from the date of appointment as per the grading to applicants as well as increment. In that event applicant shall also be entitled to all consequential benefits.

48. In the second set of OAs, however, finding no fault in the grading system as to award of 10%

marks at the discretion of Officer Incharge directions are issued to review the marks awarded to applicants in 10% assessment as to conduct and re-consider allocation of marks as per various disciplines and possession of certificates by applicants and heir performance. In the event the marks are enhanced applicants be suitably appointed to the grades with all consequential benefits. The aforesaid exercise shall be completed by the respondents within a period of six months from the date of receipt of a copy of this order. No costs."

4. Thereafter, the respondents approached the Hon'ble High Court by filing a Writ Petition No.437/2003 which was dismissed by the Hon'ble High Court vide its judgment dated 10.04.2008 (Annexure A-2). The relevant portion of such order/judgment reads as under:-

"12. The learned Administrative Tribunal in its well written judgment has considered every aspect of the matter and taking overall view of the mater, we find no infirmity or illegality in the impugned judgment in respect of both the sets of original applications. Therefore, we see no merits in the present writ petitions and see no justification to interfere in the impugned order

13. In the result, Writ Petitions stand dismissed."

5. However, even after the dismissal of their writ petition, the Respondents did not comply with the judgment passed by this Tribunal dated 30.06.2003 as such the

applicants have filed Contempt Petitions Nos.2,6,7 and 8 of 2009 before this Tribunal. The CPs were disposed of vide order dated 30.04.2010 on a submission made by the respondents. The relevant portion of the order reads as under:-

"4. After hearing the learned counsel for the parties, at the outset, Shri V.S. Masurkar, learned counsel for respondents has stated that after a prolonged process of calculation etc., everthing has been done except sanction from the Ministry of Defence. Learned counsel for the respondents submits that some time has been consumed in the matter because it pertains to about 179 applicants. The total amount to be disbursed as per the directions of this Tribunal is also to the tune of Rs.5 crores.

5. After looking into the letters dated 19.04.2011 and 01.07.2011, we have no doubt that respondents have taken bonafide steps in implementing the orders of this Tribunal in question. The learned counsel for the Respondents has categorically apologized for the delay and explained the same to the satisfaction of the Court.

6. In the circumstances, we do not find any reason to continue with these Contempt Petitions and we dispose of the same with a direction to the respondents to immediately obtain required sanction from the Ministry of Defence in the matter and disburse the amount as per calculation to the applicants within a period of two months from the date of receipt of a copy of this order, failing which the applicants will be at liberty to take the matter before the appropriate forum as per law.

7. With the above said directions and liberty, the four contempt petitions stand disposed of. Notices discharged."

6. However, respondents did nothing in the matter as such the applicants were compelled to file another Contempt Petitions Nos.20,21,22 and 23 of 2011 and the same were disposed of by this Tribunal vide its order dated 12.07.2011 (Annex A-4) on the same submissions as had already been made while hearing in the earlier Cps, based on which the earlier CPs had been disposed of with certain directions to the respondents. The relevant portion of the order reads as under:-

"4. After hearing the learned counsel for the parties, at the outset, Shri V.S. Masurkar, learned counsel for respondents has stated that after a prolonged process of calculation etc., everything has been done except sanction from the Ministry of Defence. Learned counsel for the respondents submits that some time has been consumed in the matter because it pertains to about 179 applicants. The total amount to be disbursed as per the directions of this Tribunal is also to the tune of Rs.5 crores.

5. After looking into the letters dated 19.04.2011 and 01.07.2011, we have no doubt that respondents have taken bonafide steps in implementing the orders of this Tribunal in question. The learned counsel for the Respondents has categorically apologized for the delay and explained the same to the satisfaction of the Court.

6. In the circumstances, we do not find any reason to continue with these Contempt Petitions and we dispose of the same with a direction to the respondents to immediately obtain required sanction from the

Ministry of Defence in the matter and disburse the amount as per calculation to the applicants within a period of two months from the date of receipt of a copy of this order, failing which the applicants will be at liberty to take the matter before the appropriate forum as per law.

7. With the above said directions and liberty, the four contempt petitions stand disposed of. Notices discharged."

7. It is stated on behalf of the applicants that arrears were paid in the month of February, 2012 after eight years from the date of the judgment of this Tribunal dated 16.06.2003. They have stated that amount which was paid to them in February, 2012 was to be paid by the end of January, 2004 i.e. immediately after completion of the period of six months from the date of receipt of the copy of order dated 16.06.2003. As such there is delay of more than eight years, entirely attributable to the respondents only, for which the applicants are entitled to interest at the rate of 18% per annum. Hence this OA.

8. Opposing the claim of the applicants, the respondents have filed reply stating therein that aggrieved with the order of the Tribunal dated 16.06.2003, the respondents had filed a Writ Petition

No.2270/2004 wherein the Hon'ble High Court was pleased to grant interim stay against the implementation of the order of this Tribunal vide its order dated 19.08.2004. On 10.04.2008, the Hon'ble High Court upheld the order of this Tribunal and dismissed the writ petition filed by the respondents. It is contended that immediately thereafter the arrears were paid to the applicants. They have stated that the applicants have not provided information as to whether the applicants are drawing HRA or not for calculation of arrears. As such the delay is caused which is not intentional on the part of the respondents.

9. The learned counsel for the applicants has also filed Short Submissions, which are taken on record.

10. We have gone through the O.A. along with Annexes A-1 to A-5, Reply filed on behalf of the respondents along with Exhibit R-1 to R-6 and also gone through the short submissions filed on behalf of the applicants.

11. We have heard the learned counsel for the applicants and the learned counsel

for the respondents and carefully considered the facts and circumstances, law points and rival contentions in the case.

12. During the course of hearing, the learned counsel for the applicants placed reliance on the judgment of Hon'ble Bombay High Court in **Yuvraj Nathuji Rodye vs. Teh Chairman, Maharashtra State Electricity Board and Others** in Writ Petition No.3492/1994 dated 18.09.2008 wherein the Hon'ble High Court has observed as follows:-

"7. In view of this, we are not inclined to grant any other relief to the petitioner. IN the result, the petition is partly allowed by holding that the petitioner is entitled to payment of interest on due and payable amount at the rate of 8% per annum from the due date of payment. The payment be made after the calculation within a period of four months from the receipt of the order. The petition is accordingly partly allowed. However, the parties are at liberty to settle the matter also. No costs."

13. He has also placed reliance on the judgment of Hon'ble High Court of Madras in the case of **B. Thirumoorthy vs. The Secretary to Government** delivered on 22.03.2017 wherein the Hon'ble Court has held as under:-

"The Hon'ble Supreme Court has

categorically ruled that even in the absence of any Statutory Rules or Administrative instructions with regard to the interest, the concerned Government servant would be entitled to interest under Article 14, 19 and 21 of the Constitution of India. Hence, I have no hesitation in allowing the writ petition, quashing the impugned order of the second respondent rejecting the request of the petitioner for payment of interest for a sum of Rs.92,026/- being the salary for the period from 08.02.1099 to 22.10.1999. The Division Bench has granted 10% interest by considering the bank interest that is charged. I deem it fit to direct the second respondent to pay interest on the said sum of Rs.92,026/- for a period from 23.10.1999 to 13.10.2010 at the rate of 10% per annum. Such interest shall be paid within a period of eight weeks from the date of receipt of a copy of this order. No Costs."

14. The learned counsel for the applicants has also placed reliance on the judgment of Hon'ble Punjab and Haryana High Court in the case of **State of Punjab and Another vs. Sudarshan Kumar** dated 12.05.2010 reported in 2010 (4) SLR page-202. The relevant portion of the order/judgment reads as follows:-

"7. Question to be considered is if the respondent-plaintiff could claim interest in earlier suit to face the hurdle of res judicata or constructive res judicata. In the earlier suit filed, the challenge was made only to the order of removal from service. Payment of arrears was dependent upon the relief, which was to be granted in the suit. Requiring the respondent-plaintiff to claim interest on the

basis that in case his suit was allowed, he would be entitled to certain payment with interest is apparently too far-fetched. The earlier Court could only set-aside the order of dismissal or removal but still could decline the arrears as a consequential relief. Asking for interest on the arrears, which ultimately were paid, could not have been visualized or sought in an earlier suit. Strictly speaking, the principle of Order II Rule 2 that the respondent-plaintiff omitted to make a claim, which he could have, would not strictly apply to this case. The substantial questions of law as framed and urged by the State counsel, thus, would not arise. No case for interference in the Regular Second Appeal is, thus, made out. The same is accordingly dismissed."

Findings

15. The basic facts of the case are not in dispute. The Applicants have joined Naval Dockyard after completion of training in Dockyard Apprentice School. The respondents have altered the grading system by applying DTM 4/97 instead of DM6/85. Aggrieved with the aforesaid, the applicants filed O.A.Nos.989/1999, 655/2000, 584/2001 and 124/2001, which were allowed by this Tribunal by common order dated 16.06.2003. Thereafter, the respondents approached the Hon'ble High Court by filing a Writ Petition No.437/2003, which was dismissed by the Hon'ble High Court vide its judgment dated 10.04.2008 (Annex A-2). After the

dismissal of their writ petition, the respondents did not comply with the judgment of this Tribunal dated 16.06.2003. Hence the applicants have filed Contempt Petitions Nos.2,6,7 and 8 of 2009, which were disposed of vide order dated 30.04.2010 on a submission made by the respondents. When the respondents did nothing, the applicants have again filed fresh Contempt Petition Nos.20,21,22 and 23 of 2011, which were disposed of by this Tribunal vide its order dated 12.07.2011 (Annex A-4) on the identical submissions as had already been made while hearing in the earlier CPs and on the same submissions those CPs were disposed.

16. Be that as it may. Under the democratic set-up, the Central or State Government is supposed to take a pragmatic approach in such matters being welfare State and they being model employers. It is not in dispute that arrears were paid in the month of February, 2012 after eight years from the date of the judgment of this Tribunal dated 16.06.2003 and further that the amount which was paid to them in February, 2012 was to be paid by the end of January, 2004 i.e.

immediately after completion of the period of six months from the date of receipt of the copy of order dated 16.06.2003.

17. The defence taken by the learned counsel for the respondents to deny the interest is that the Hon'ble High Court has granted interim order dated 19.08.2004 and writ petition was dismissed on 10.04.2008 coupled with the ground that the applicants have not provided the information as to whether they are drawing the HRA or not. Such defence of the respondents is misconceived.

18. The fact remains that the entitlement of the applicants was determined by this Tribunal vide order/judgment dated 16.06.2003 and the same could have been implement by the respondents subject to the final verdict of the Hon'ble High Court or Hon'ble Supreme Court. Besides the respondents have compelled the applicants further for approaching this Tribunal by way of Contempt Petitions and now have forced them in this third litigation. Moreover, they cannot take the ground that the applicants have not furnished information as

to whether they are withdrawing HRA or not. In fact such information is always available with the respondents who have been making the payment of monthly salary to the applicants. The stand taken by the respondents is not at all acceptable as they are the custodian of the records of the applicants. As such they are not at all justified in asking the applicants to provide such information.

19. In view of the facts and circumstances as discussed above and law laid down by the Hon'ble High Court(s) and by the Hon'ble Apex Court, referred to above, we are of the considered view that the present application has merit. However, the rate of interest as claimed by the applicants is found to be on higher side.

20. Therefore, in view of the above, this OA is partly allowed with the following directions:-

(i). The respondents are directed to pay the interest at the rate applicable on GPF on the amounts paid to each of the applicants in January, 2012 in pursuance of the order dated 16.06.2003 w.e.f January,

2004 till January, 2011.

(ii). The aforesaid exercise shall be completed by the respondents within four months from the date of receipt of a certified copy of this order.

21. In the facts and circumstances, there shall be no order as to costs.

(R.N. SINGH)
MEMBER (J)

(Dr. Bhagwan Sahai)
MEMBER (A)

amit/-

JD
27/6/19

