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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11510/2015, CM No.30439/2015**

UNION OF INDIA & ANR Petitioners

Through: Mr. Arun Bhardwaj with
Mr. Mimansak Bhardwaj &
Mr. Ashish Pandey, Advs.

versus

V.S. PRASAD Respondent

Through: Mr. V.S.Prasad, respondent in person.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **27.04.2016**

1. Mr. V.S.Prasad, respondent is present in person and has been heard on the question of rate of interest.
2. On 20th January, 2016, we had passed the following order which reads as under:

*“O.A. No. 2954 of 2009 filed by V.S. Prasad (EE) (Electrical), PWD was allowed by order dated 28th September, 2010 observing that the issue was no longer res integra being covered by the decision of this High Court in **F.C. Jain Vs. Union of India & Ors.** [WP(C) 21212 of 2015 decided on 22.05.2010]. Accordingly, the respondent - V.S. Prasad was entitled to Pay Scale of Rs.7,500-12,000. To this extent, there is no dispute.*

This order dated 28th September, 2010 also directs the petitioner to pay arrears within three months alongwith interest.

The aforesaid order was not challenged by the petitioner by way of a writ petition.

Subsequently, R.A. No.11/2014 before the Administrative Tribunal in the year 2014 alongwith an application seeking condonation of delay. The application for condonation of delay, M.A. No.1435/2013, has been allowed vide order dated 04.08.2014. R.A. No.11/2014 has also been partly allowed observing that interest should not have been granted. However, the Tribunal also noticed that there was non-compliance of order dated 28.09.2010 by the petitioner as arrears of pay in the pay scale of Rs.7,500-12,000 were paid after a delay of more than two and a half years on 12.07.2013. Accordingly, it was directed that the petitioner would pay interest on the arrears of the enhanced pay of Rs.7,500/- with effect from 28.09.2010 till the date of payment.

Learned counsel for the petitioner submits that the aforesaid direction to pay interest should not have been issued, as this claim would constitute a separate cause of action and the petitioner may have reasons and grounds to justify this delay of two and a half years. The plea taken is that papers had to be processed and calculation had to be made.

We have considered the said submissions but do not find any merit in the same. The Tribunal has passed a just and fair order noticing and balancing equities. There was already a direction to pay interest. This has been modified on the petitioners' request. It is clear that the respondent was denied what was due and payable to him and therefore, interest has to be paid by the petitioner with effect from 28.09.2010 till the date of payment. The explanation given for the delay is rather routine and unacceptable. The delay is for 30 months.

At this stage, learned counsel for the petitioner states that the rate of interest has not been quantified/fixed by the Tribunal in the order dated 04.08.2014. Limited to this aspect, let notice be issued, returnable on 22nd January, 2016. Notice will be given dasti and can be served through counsel as well.

Liberty is also given to the counsel for the petitioner to write a letter to the opposite counsel, who had appeared before the Tribunal.”

3. Having heard counsel for the petitioner and Mr. V.S. Prasad on the question of rate of interest, it is directed that the petitioner would pay interest at the rate applicable and paid on the General Provident Fund account. Interest has to be paid for the period 28.9.2010 till 12.7.2013. The interest should be paid within a period of two months from today.

4. The writ petition is disposed of in terms of the above.

SANJIV KHANNA, J

NAJMI WAZIRI, J

APRIL 27, 2016/ak