

Sukhvir Singh

...Petitioner

Vs.

Union of India & others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anshul Jain, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

The petitioner has approached this Court with more than one claim to bring his pay on a par with persons similarly placed as him in the respondent CRPF who receive higher salary. The claim was based on the equation devised in the aftermath of the implementation of the 6th pay Commission recommendations made w.e.f. January 01, 2006. He has claimed restitution of money caused by delay in release of Child Education Allowance which was due in 2010 but released in 2017 for which he prays the principal should carry interest @ 18% per annum. His other claim is for release of Ration money from the period March 2011 to October 2013, which is outstanding payment still and then the same ought be paid to him by CRPF with interest @ 18% per annum. His next grievance is that a recovery for ₹ 2,38,000/- was made from his pay on retirement from April 2014 onwards and he does not know the reason why the recovery is made as nothing has been conveyed to him justifying deduction. His fourth claim is for payment of interest @ 18% on the amount of ₹ 51,087/- which was

regularized by the respondents-CRPF in lieu of medical leave for the period of 88 days in 2008 but the amount was admitted as due but was deposited in Government Treasury in his account and ultimately reached the hands of the petitioner only with the salary paid for December 2016.

These genuine grievances appear unaddressed as nothing has been conveyed to the petitioner on the fate of his requests. The petitioner has brought his grievances to the notice of the authorities by serving representation submitted through proper channel dated December 6, 2016, a copy of which has been placed as Annex P.4 with the petition.

Instead of calling upon the respondents to answer this petition on merits upon service of summons on the petition, the better course would I think would be to ask the competent authority in CRPF to take up the representation and decide the claims after hearing the petitioner and by passing a speaking order assigning reasons on each of the claims whether they are to be granted or denied. In case any of the grievances are found genuine and interest thereupon is due and payable, then the same be paid to the petitioner within the next one month from the date when the right are determined by executive orders from the date fixed by this order to take a final decision on the rights of the petitioner. In case the claims are found justified, then it would not be necessary for the authority to pass an order and convey the same to him and the relief can be operated by an office order. Needless to say, that in case all or any of the claims are to be rejected then a comprehensive order would be necessary to be passed to know what has weighed in the mind of the decision-maker in denying the relief.

For the guidance of CRPF on the element of interest the

decision of the Supreme Court in Megh Varan Sharma vs. State of U.P & others, 2015 (1) SCT 12 would be the guiding factor. The Supreme Court in this case has held that in case of delayed payment of service benefits the claimant would be entitled to the maximum rate at which scheduled Banks are currently paying interest on fixed deposits. The authorities would work out the right/duty/obligation to appropriately scale out the claim for interest on delayed payments to bring it in tune with the Supreme Court decision in *Megh Varan Sharma's* case since both the civil and judicial authorities have to act in aid of the Supreme Court.

With these observations and directions, the petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

18.05.2017
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>