

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**AND**

**THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

**Writ Petition No.36475 of 2013**

**ORDER :** *(Per Hon'ble Justice Abhinand Kumar Shavili)*

This Writ Petition is filed by the petitioner under Article-226 of the Constitution of India seeking a 'Writ of certiorari' by calling for records relating to the order passed by the Central Administrative Tribunal (for short 'the Tribunal'), Hyderabad in O.A.No.335 of 2011, dated 31.12.2012 and to quash the same.

**2.** Heard Ms. A.Anasuya learned counsel for the petitioner; and Ms. C.Vani Reddy, learned Government Pleader for Cooperation, for the respondents.

**3.** Learned counsel for the petitioner contended that the petitioner is a retired 'Project Director' and he has retired from the services on 13.06.1999. The grievance of the petitioner is that he was having Ph.D and the respondents were not paying two increments for possessing Ph.D degree and also the respondents were not fixing the pay of the applicant as per the Fundamental Rules 22(I)(a)(1) for the post of Project Director and certain amount of Rs.73,658/-

were also recovered from the petitioner on erroneous pay fixation. Aggrieved by the same, the petitioner has approached the Tribunal by filing O.A.No.1083 of 2000 and the Tribunal was pleased to allow the O.A *vide* orders dated 05.10.2001 and directed the respondents to pay two additional increments to the petitioner for possessing Ph.D degree and also directed the respondents to pay as per the recommendations of the 5<sup>th</sup> Central Pay Commission, which has been accepted by the Indian Counsel of Agriculture Research (ICAR) *vide* order dated 27.02.2009 and thereafter, re-fix the gross pension and net pension after excluding the commuted portion of the pension. The orders passed by the Tribunal were not implemented by the respondents and they have filed a review in the said case before the Tribunal in R.A.No.93 of 2001 in O.A.No.1083 of 2000 and the Tribunal was pleased to dismiss the review application *vide* order dated 01.01.2003. Later, the respondents have challenged the orders passed by the Tribunal before the High Court by filing W.P.No.6994 of 2003 and initially stay of punishment was granted and finally, the said writ petition was dismissed *vide* orders dated 20.01.2004. Thereafter, the respondents have not

implemented the orders passed by the Tribunal and carried the matter to the Hon'ble Supreme Court by filing Civil Appeal No.8070 of 2004 and finally, the Hon'ble Supreme Court was pleased to dismiss the case preferred by the respondents *vide* order dated 29.01.2008. At last, the respondents have implemented the orders passed by the Tribunal in O.A.No.1083 of 2000 dated 15.10.2001.

**4.** Learned counsel for the petitioner had further contended that the respondents have paid belatedly all these benefits only after dismissal of SLP preferred by the respondents and the petitioner has requested the respondents to pay interest for belated settlement of pensionary benefits and re-fixation of pension and also for grant of two increments for possessing Ph.D qualification, but the same was not being considered by the respondents and petitioner has once again approached the Tribunal by filing O.A.No.335 of 2011 and the Tribunal *vide* order dated 31.12.2012 was pleased to dismiss the O.A without appreciating any of the contentions raised by the petitioner. Aggrieved by the said order the present writ petition is filed. Learned counsel for the petitioner had further contended that the two increments which were

directed to be paid to the petitioner by the Tribunal in O.A.No.1083 of 2000 dated 15.10.2001 were paid by the respondents on 22.04.2008 that too after the case preferred by the respondents was dismissed by the Hon'ble Supreme Court and an amount of Rs.38,128/- was also belatedly paid in the year 2008 and the revised pension was also not paid and the same was paid in 2008 consequent upon the dismissal of the case by the Hon'ble Supreme Court. Therefore, the petitioner is entitled for interest for the delayed disbursement of the benefits. The counsel for the petitioner has relied upon the judgment rendered by the Hon'ble Supreme Court in ***Vijay L Mehrotra Vs. State of U.P***<sup>1</sup>. Where-in, the Hon'ble Supreme Court has held that the employee is entitled for interest @ 18% per annum for the delayed disbursement of retiral benefits. Learned counsel for the petitioner has drawn our attention to the fact and the petitioner is aged about 85 years as on today and he has been fighting for justice even after retirement. Therefore, appropriate orders be passed in the said writ petition.

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<sup>1</sup> (2002) 9 SCC 681

**5.** On the other hand, learned counsel appearing for the respondents, contended that the respondents were pursuing their legal remedies and finally when the case preferred by the respondents was dismissed by the Hon'ble Supreme Court, the respondents have paid all the benefits in favour of the petitioner. Learned counsel for the respondents further contended that since there was a stay granted by this Court in W.P.No.6994 of 2003, the respondents could not have paid the amount in favour of the petitioner. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

**6.** This Court, having considered the rival submissions made by the parties, is of the considered view that the Tribunal was not justified in dismissing the O.A preferred by the petitioner. The Tribunal had failed to appreciate that the benefits which were directed to be paid by the Tribunal in O.A.1083 of 2000 dated 15.10.2021 were belatedly paid by the respondents only when the case preferred by the respondents was dismissed by the Hon'ble Supreme Court on 29.01.2008. Therefore, admittedly there is delay in disbursal of the retirement benefits in favour of the petitioner and as per the law laid down by the Hon'ble

Supreme Court i.e., **Vijay L Mehrotra's** case (1 supra), the petitioner is entitled for an interest @ 18% per annum for the belated disbursal of benefits.

**7.** Accordingly, Writ Petition is allowed directing the respondents to pay the petitioner the interest @ 18% per annum for the belated disbursal of benefits. No costs.

**8.** As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

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**NAMAVARAPU RAJESHWAR RAO, J**

Date : 02.12.2022  
Prat/myk