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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11743 OF 2019

Union of India & Ors. Petitioners
Vs.
Siddharth Mahadev Bharsakhare & Ors. Respondents

**WITH
WRIT PETITION NO. 11899 OF 2019**

Union of India & Ors. Petitioners
Vs.
Anil Ambadas Waghmare & Ors. Respondents

**WITH
WRIT PETITION NO. 9156 OF 2019**

Union of India & Ors. Petitioners
Vs.
S. G. Shimpri & Anr. Respondents

**WITH
WRIT PETITION NO. 11741 OF 2019**

Union of India & Ors. Petitioners
Vs.
Laxman Godappa Kanari & Ors. Respondents

**WITH
WRIT PETITION NO. 12773 OF 2019**

Nitin Madjukarrao Tinkhede India & Ors. Petitioners
Vs.
Anil Ambadas Waghmare & Ors. Respondents

Smt. Shehnaz V. Bharucha I/b. A. A. Ansari for the Petitioner in
11743/2019
Mr. Rahul Walia for the Respondents
Mr. A. A. Garge for the Petitioner in 9156/2020
Mrs. Sangeeta Yadav for the Petitioner in 11741/2019
Mr. Amogh Singh a/w. Pranav Thakur for the Petitioner in
12773/2019
Mrs. Smita Thakur for the Petitioner in 11899/2019

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : MARCH 6, 2023

P.C.

1. The Petitioners assail the judgment and order passed by the Central Administrative Tribunal (for short the “CAT”).

2. Present Respondent No.1 had filed Original Application before the CAT for stepping up of their pay at par with their juniors and to pay arrears with interest. The Tribunal allowed the same. Aggrieved thereby, the present Writ Petitions.

3. The Tribunal passed the following order:

“i) The impugned orders in all the respective OAs are hereby quashed and set aside.

ii) Respondents are directed to reconsider and to pass suitable orders for stepping up the pay of the applicants at par with their juniors and workout the arrears of pay and allowances due to the applicants.

iii) The arrears of pay and allowances arising out of such stepping up be made available to the applicants.

iv) The applicants are also entitled to the interest on arrears arising out of such stepping up at the rate as applicable on GPF from the date when the pay of the respective junior was fixed till payment.

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

4. In many of the matters, the amounts are paid. In some of the matters, amounts are not yet paid. The learned Counsel for the Petitioners, on instructions, submits that the matters in which amounts are not paid, would be paid within a short time. The statement is accepted.

5. It appears from the arguments of the learned Counsel for the Petitioners is that the Department has accepted the judgment of the Tribunal and to some of the original Applicants, the benefits of stepping up has already been accorded and to some of the Applicants, it is yet to be accorded. Now the dispute appears to be with regard to the interest.

6. According to the learned Counsel for the Petitioners, the Petitioners are not liable to pay interest. Award of interest is harsh. It is not the case of deliberate or willful withholding the arrears. Pay fixation was not done. In view of that, interest is not leviable.

7. The learned Counsel for the Respondents submits that the present Respondents are deprived of use and enjoyment of the amount for such a long period. They are entitled for interest by way of damages. The tribunal has also awarded interest on arrears arising out of such stepping up at the rate as applicable on GPF from the date when the pay of the respective junior was fixed till payment.

8. Considering the fact that the Petitioners now do not dispute the payments to be made, the dispute only would remain of interest.
9. The equities can be worked out. The Petitioners shall pay simple interest to the Respondents @ 7% p.a. from 4th January 2019 till the date of actual payment to the Respondents.
10. With these observations, the Writ Petitions are disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)