



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO.318 OF 2023
IN
WRIT PETITION NO.256 OF 2005 (D)

1. Waman s/o Laxman Vaidya
Aged adult, Ex-Manager, F. & A.
Richardson & Cruddas (1972) Ltd.
R/o 44 Dindayal Nagar,
Bank of Baroda Colony, Nagpur-22

2. Vinod Chandrashekhar Pandit,
Aged adult, Pensioner
R/o 1/A Dindayal Nagar,
Nagpur-22

... Applicants/Petitioners

-vs-

1. Richardson & Cruddas (1972) Ltd.
Government of India Undertaking,
A subsidiary of Bharat Yantra Nigam Ltd.
Sir J. J. Road, Byculla,
Mumbai

2. Union of India, through its Secretary,
Ministry of Heavy Industries and Public
Enterprises, New Delhi

... Non-applicants/Respondents

Shri Pushkar V. Ghare, Advocate for applicants/petitioners.

Shri R. P. Masurkar, Advocate for respondent No.1.

Shri N. S. Deshpande, Deputy Solicitor General of India for respondent No.2.

CORAM : A. S. CHANDURKAR AND M. W. CHANDWANI, JJ.

DATE : September 29, 2023

P. C.

1. Admit. Heard the learned counsel for the parties.

2. The applicants seek modification of the judgment dated 06/01/2023 passed in Writ Petition No.256/2005 and claim that they be awarded interest on the amount of arrears pursuant to revision of their pay-scale from 01/01/1992.

2. According to the learned counsel for the applicants having found the applicants entitled to receive arrears on account of revision of pay-scale and denial of the same by the non-applicants being without any justifiable reason, the amount of arrears ought to be directed to be paid with interest. No reason whatsoever has been indicated in the judgment dated 06/01/2023 for refusing to grant the relief of interest on the amount of arrears. Though the applicants have been held entitled to receive interest at the rate of 6% per annum only on failure on the part of non-applicant No.1 in paying the amount of arrears after expiry of period of two months, there is no reason to deprive the applicants of the same since 01/01/1992. Hence the judgment deserves to be modified to that extent.

3. The learned counsel appearing for non-applicant No.1 on the other hand submits that the judgment does not call for any modification since the applicants have already been held entitled to receive arrears pursuant to revision of their pay-scale.

4. Having heard the learned counsel for the parties, we find that though a prayer was made on behalf of the applicants to grant arrears with interest, there is no reason assigned in the judgment dated 06/01/2023 for denying such relief. Considering the fact that the entitlement of the applicants to receive benefit of revision of their pay-scale from 01/01/1992 has been found, failure to award interest on this amount without indicating any reason has

resulted in miscarriage of justice amounting to an error apparent on the face of record. Accordingly, the judgment in Writ Petition No.256/2005 dated 06/01/2023 is modified by holding the applicants entitled to receive the unpaid amount of arrears in terms of the said judgment with interest at the rate of 6% per annum. In other words, the unpaid arrears would be payable with interest at the rate of 6% per annum from 01/01/1992.

5. Misc. Civil Application is allowed in aforesaid terms and disposed of.
No costs.

(M. W. Chandwani, J.)

(A. S. Chandurkar, J.)