

O. P. Gupta

Vs.

Union of India

Contempt Petition No. 2462 of 1989 in Civil Appeal No. 3582 of 1986

(B. C. Ray, S. R. Pandian JJ)

20.04.1989

ORDER

We have heard learned counsel for both the parties. It appears from the order passed by this Court dated September 3, 1987 that the Court while allowing the writ petition gave the following directions : (SCC p. 345, para 25)

"We Direct the Director General of Works to make an order in terms of FR 25 allowing the appellant to cross the efficiency bar at the stage of Rs. 590 w. e. f. October 5, 1966 and at the stage of rs 810 w. e. f. October 5, 1973 and subsequent dates, according to the decision of the Government of India, Ministry of Finance dated September 21, 1967 as later clarified by the Ministry of Home Affairs Memorandum dated April 6, 1979 and to refix his salary upon that basis and pay the difference as also refix his pension accordingly.

The appellant would be entitled to interest at 12 per cent per annum on the difference in salary as well as in pension. We further direct that the Government of India will make the payment to the appellant within four months from today."

On the basis of this direction the respondent, Union of India has paid to the petitioner differences in salary calculated on the basis of the crossing of the efficiency bar at the stage of Rs. 590 w. e. f. October 5, 1966 and also at the stage of Rs. 810 w. e. f. October 5, 1973. The respondent has also refixed the pension and gratuity in accordance with the said direction; but the respondent paid interest on such pension gratuity only for a period of four month as has been stated by them in paragraph 4 of counter-affidavit sworn by Harjit Singh, Director of Administration. Office of Directorate General of Central Public Works, New Delhi i. e. from September 3, 1987 instead of from the date of retirement on March 31, 1978. This payment of interest is not in accordance with the direction made by the said order of this Court and as such the petitioner is entitled to get interest @ 12 per cent on the pension and gratuity amount from the date of his superannuation i. e. from March 31, 1978. The respondent will pay the same as early as possible not later than four weeks from today. The only claim that is in dispute is with regard to the claim of the petitioner regarding payment of interest on difference, of salary from September 3, 1959. It is the admitted position that all arrears of salary minus the subsistence allowance have already been paid some time in 1982 to the petitioner. The petitioner, however, claims that in the writ petition filed before the High Court in prayer (K) he made a specific prayer for payment of interest in respect of the difference of salary from September 3, 1959. This writ petition was dismissed by the High Court. Against that, special leave petition was filed before this Court. Counsel for the petitioner has laid repeated stress on the observation made by this Court to the effect that the "writ petition is allowed". Taking his cue from

this observation he tried to contend before us the prayer regarding his claim for interest was allowed by this Court and as such he is entitled to get interest from the said period. We are, however, unable to accept this contention of the learned counsel though we are well aware of the difficulties and sufferings to which the petitioner was put to due to respondents not acting duly and properly. However, considering the specific directions made by this Court, we are not inclined to allow this claim made on behalf of the petitioner. The application is thus allowed to the limited extent indicated hereinbefore.

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