

SUPREME COURT OF INDIA

R.D. Rao

Vs.

Chairman And M.D., Punjab National Bank

(M.Jagannadha Rao and Doraiswamy Raju JJ.)

07.08.2000

ORDER

1. Leave granted.

2. After hearing appellant in person and learned senior Counsel for the respondents, Shri V.R. Reddy, we are of the view that there is some merit in the contention raised by the appellant in this appeal. According to the statement of claim furnished by the appellant to the Bank, he claimed various amounts as follows:

(a) Difference in basic pay of Rs. 860 of 21.1.81 upto 7.1.82 and Rs. 1200 from 8.1.82 and Rs. 1270 of 21.1.82 i.e. Rs. 1270-860 = Rs. 410/- upto 1.2.83 for 12 months = Rs. 4920 and for 1 month in Jan. 82 Rs. 340 Rs. 5260 LESS Officiating allowance of Rs. 100 from 8.1.82 to 1.2.83 -Rs. 1300 Rs. 3,960 (b) Difference of 3 annual increments viz., 21.1.82, 1.1.83 and fitment increment of 1.2.83 on the basis of retrospective revision of basic pay from Rs. 1200 to Rs. 1800 @ Rs. 300/- from 1.2.83 to 31.1.89 (Date of superannuation retirement) for 72 months. Rs. 21,600 (c) Gratuity difference @ Rs. 300/- for 13 months Rs. 3,900 (d) PF difference @ 10% on Rs. 21,600 Bank's contribution, Rs. 2,160 (e) Difference in overall emoluments on account of pay revision of Rs. 1200 to Rs. 1800 and subsequent revision on Nov. 87 on account of 3 increments due to enhancement in DA and H RA etc. @ Rs. 150/- for 72 months Rs. 10,800 ----- Rs. 42, 420

3. In addition to the above amount, the appellant has claimed punitive interest at the rate of 24% from 31/1/89, the date of his retirement.

4. On an earlier occasion, the Bank was prepared to pay Rs. 40,000/- to the appellant towards the main claim and no interest, but appellant was not agreeable.

5. The question therefore, is now with regard to the interest. We are not inclined to grant interest at 24% as claimed by the appellant. However, we are of the view that the appellant is entitled to interest at the rate of 12%. Now the question is from what date the interest will have to be paid. We are of the view that interest will have to be paid from the date the appellant filed the writ petition in this Court, namely C.W.P. No. 512/93. There will be an order in favour of the appellant for payment of Rs. 42,4207- with interest at the rate of 12% from the date on which the Writ Petition No. 512/93 was filed in this Court.

6. The appeal is disposed of accordingly. No costs.

