



2026:AHC:30664-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19808 of 2025

Union of India and 5 others

.....Petitioner(s)

Versus

Sushil Kumar Srivastava and another

.....Respondent(s)

Counsel for Petitioner(s)	:	Krishna Agarawal
Counsel for Respondent(s)	:	Shyamal Narain, Jaswant Singh

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against order dated 12.07.2024 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad whereby the Tribunal, while granting the relief to the respondent for re-fixing the pay in the Non-Functional Grade (NFG) Pay Scale of Rs. 9300-34800 in Pay Band-II, with Grade Pay of Rs. 5400/- with all consequential benefits, with effect from the date he had completed four years of regular service in the Grade Pay of Rs. 4800/- along with simple rate of interest @ 6% per annum, disposed of the Original Application.

2. Submissions have been made that though the relief pertaining to the Non-Functional Grade granted to the respondent is not being questioned, the present petition is limited to the award of interest @ 6% per annum.

3. Further submissions have been made that the petitioners were contesting the claim of the respondent for all these years and once the relief has been granted based on the judgement in the case of **M. Subramaniam** by Madras High Court and it was concluded that the said judgement was *in rem*, grant of relief though is not being questioned, the award of interest is not justified.

4. Learned counsel for the respondent supported the order impugned. Submissions have been made that the challenge laid by the petitioner to the award of interest, is not justified wherein only a simple interest @ 6% per annum has been awarded and, therefore, the petition deserves dismissal.

5. We have considered the submissions made and have perused the material available on record.

6. It is not in dispute that the judgement, which has formed the basis of granting relief to the respondent, was delivered way back in the year 2010 and the same became final with the judgement of Hon'ble Supreme Court in the year 2017 and the dismissal of the review petition in the year 2018. The respondent became entitled for the benefit of NFG in the year 2021 itself, however, the same was not granted resulting in filing of the petition in the year 2024, which was allowed by following the judgement in the case of **M. Subramaniam** (supra) and the relief was confined based on the judgement in the case of **Union of India & Others Vs. Tarsem Singh: (2008) 8 SCC 648** i.e. for three years prior to the date of filing of the application before the Tribunal and interest was awarded @ 6% per annum.

7. Once the entitlement of the respondent was since the year 2021 and the same was not granted, it cannot be said that the Tribunal was not justified in awarding the interest that also @ 6% per annum on the amount to which the respondent would be entitled, which cannot even be termed as excessive. The award of interest is compensatory in nature and the petitioners should not take it as if the same is, in any manner, penal against them.

8. In that view of the matter, we do not find any reason to interfere with the order passed by the Tribunal. The petition has no substance and the same is, therefore, **dismissed**.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

February 11, 2026

Sandeep/Sazia