

favour of the applicant and against the respondents."

2. The facts of this case in brief are that the applicant was enrolled in the Indian Army on 24.07.2002 and was discharged from service on 31.07.2019. The applicant was deployed at Gun Area Lukreep, which is a high-altitude area posting, from 30.01.2018 till 27.04.2018, for which the High-Altitude Allowance (HAA) along with the interest on account of delayed payment has been prayed for by the applicant. Though the applicant had made multiple representations to the respondents for payment of the outstanding dues, he did not receive the dues till the filing of the OA. However, after filing of the instant OA on 16.07.2024 and during the course of the hearing, the respondents made the payment for the outstanding High Altitude allowance to the applicant but without any interest.

3. The applicant now seeks payment of the interest @ 12% for the delayed payment of the High Altitude allowance which was due to him.

ANALYSIS

4. We have heard the learned counsel for the parties and have perused the record.

5. We find that the applicant is now only pressing for a simple prayer with regard to the grant of interest @ 12% on the delayed payment of the High Altitude allowance. It is undisputed that the applicant, as per his entitlement, was to be granted High Altitude allowance with regard to his posting at Gun Area Lukreep, a High-Altitude area, from 30.01.2018 to 27.04.2018, which was not paid by the respondents till the filing of this OA on 16.07.2024 and it is only on 08.08.2024 that the respondents have granted the payment of High Altitude allowance to the applicant with the arrears amounting to Rs. 56,571/- to be paid in September, 2024, which has since been received by the applicant as submitted by his learned counsel on 08.11.2024.

6. Now the issue in question is only for grant of interest on the delayed payment of High Altitude allowance to be paid to the applicant. An army personnel who is deployed in a high altitude area is entitled to the High Altitude allowance for the period of posting. As already observed hereinabove, in

the present case, it is undisputed that the applicant was deployed at Gun Area Lukreep, a high altitude area, for the period from 30.01.2018 to 27.04.2018 and thus the applicant was to be granted High Altitude allowance for the aforesaid period on a monthly basis for the entire period when he was deployed in High Altitude Area. However, the same was not granted to the applicant and even the Part II order No. 0 0090/035 dated 31.01.2020 and No. 0 0090/007 dated 31.01.2020 *qua* deployment of the applicant at Gun Area Lukreep on account of HAUCS and CFAA respectively for the period 30.01.2018 to 27.04.2018 was issued on 31.01.2020 i.e. after the applicant's discharge from service w.e.f. 31.07.2019.

7. We find that the respondents have committed a gross lapse as the Part II order with regard to the deployment of the applicant to the High Altitude allowance for the period 30.01.2018 to 27.04.2018 was issued as late as on 31.01.2020 i.e. after delay of nearly two years and that too after about five months from the date of applicant's discharge from service i.e. on 31.07.2019 and finally the payment of arrears was made as late as September, 2024. Moreover, on

behalf of the respondents, neither while making submissions nor in the short affidavit dated 15.10.2024, any reason or justification was given for the delay in making the payment to the applicant and the administrative lapse for delayed payment on the part of the respondents cannot be ignored. We, therefore, hold that the applicant is entitled to be paid interest for the period of delay in making payment on the part of the respondents towards High Altitude allowance.

CONCLUSION

8. In view of the aforesaid analysis, the OA 2854 of 2024 is allowed to the extent that we direct the respondents to pay to the applicant simple interest @ 8% on the amount of delayed payment towards the High Altitude allowance from April, 2018 till the date of actual payment. The respondents are further directed to comply with the aforesaid directions within three months from the date of receipt of copy of the order, *failing which*, further interest @ 8% per annum till the date of payment of the interest, as directed hereinabove, shall accrue.

9. There is no order as to costs.

Pronounced in open Court on this 9th day of
January, 2025.


[REAR ADMIRAL DHIREN VIG]
MEMBER (A)


[JUSTICE ANU MALHOTRA]
MEMBER (J)

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