

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1555 of 2002

New Delhi, this the 7th day of February, 2003

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Kamal Narain
S/o Late Shri Mangaroo Dass
Retired Senior Divisional Accounts Officer,
C-92 Brij Vihar,,
P.O. Chandra Vihar,
Ghaziabad.

-APPLICANT

(By Advocate: Shri Khaarati Lal)

Versus

1. Union of India
Through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. FA & Chief Accounts Officer,
Northern Railway,
Baroda House,
New Delhi.

-RESPONDENTS

(By Advocate: Shri R.L. Dhawan)

O R D E R (CORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant has claimed interest on retiral benefits. According to the applicant he had retired on 31.7.2000 and had been paid DCRG in July, 2001 and then commutation of pension was released on 20.7.2001. Besides that the applicant submits that there is increase in difference of 3% DA on DCRG which has been released on 18.1.2002 as such he is entitled to penal interest thereon.

2. In reply to this, the learned counsel for the respondents submitted that as far delay in release of his retiral benefits are concerned it is due to the fact that there are two cases registered by the CBI vide two

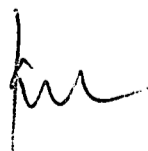
separate RCs and after the same were closed, the amount was released.

3. It has also been pointed out that as far DCRG amount is concerned, there are Railway Rules and delay on DCRG, if any, same had to be paid in accordance with the rules with interest. Thus there is already a provision for payment of interest and interest has been paid accordingly. So no further penal interest should be levied.

4. As far commutation of pension is concerned, the learned counsel for the respondents pointed out that commutation was effected from July, 2001 and applicant was getting full pension till July, 2001 and commutation could be released only on reduction of pension, so there is no question of interest as the same was released in July, 2001 simultaneously with reduction of pension.

5. However, as regards interest on difference on DCRG on 3% increased DA is concerned, admittedly, it has been released late, i.e., only in January, 2002.

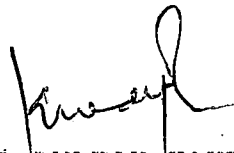
6. Considering all these contentions, I may mention that the applicant is not entitled to any further interest on DCRG since DCRG has been paid in accordance with the Railway Rules along with interest as per statutory rules.



7. As regards commutation of pension is concerned, since in July, 2001 amount of pension has been computed and till then applicant was getting full pension, so there is no question of payment of interest. If at all the applicant is entitled to interest he has to be paid the same only if there is delay in payment of commutation but the same has been effected in July 2001 and only thereafter the pension amount has been reduced. The amount of commutation of pension has been released well in time, so there is no question of payment of interest.

8. However, as far payment of difference of DCRG after payment of DA of 3% which has been released on 18.1.2002, I find that the applicant is entitled to interest from the date the same had become due. Accordingly, the respondents are directed to pay interest on difference of DA on DCRG at the rate of 12%. This may be paid within a period of 2 months from the date of receipt of a copy of this order.

9. OA stands disposed of with the above directions. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

Rakesh