

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2305/99

New Delhi: this the 11th day of JULY, 2004

HON'BLE MR. S.R. ADIGE VICE CHAIRMAN(A)

HON'BLE DR. A. VEDAVALLI MEMBER(J)

Mansa Ram,

S/o Late Shri Tej Ram,

R/o Shri Rohtash Singh,

R/O C-8/247, Yamuna Vihar,

Delhi

.....Applicant.

(By Advocate: Shri R.V. Sinha)

Versus

1. Ministry of Railway (Railway Board),

Govt. of India,

through the Secretary,

Rail Bhawan,

New Delhi-11.

2. Northern Railway,

through the General Manager,

Baroda House,

New Delhi-1.

3. The Divisional Railway Manager,

Northern Railway,

Bikaner Division,

Bikaner, Rajasthan,

.....Respondents.

(By Advocate: Shri R.L. Dhawan)

ORDERS.R. Adige, VC(A)

The only surviving claim in this OA is for payment of interest @18% p.a. on account of alleged delay in release of applicant's retiral benefits.

2. Applicant while working as CPS/RE was proceeded against departmentally vide charge Memo dated 28.6.95 (Annexure-A-1) on the charge of demanding and accepting Rs.5/- from a decoy consignee and Rs.24/- excess cash found in Govt. cash on 5.4.95.

3. In his statement dated 5.4.95 (Annexure-R1) applicant admitted to charging Rs.5/- excess from the consignee but requested for sympathetic treatment keeping

in view his retirement on 31.7.95.

4. Applicant was placed under suspension. Meanwhile upon his attaining the age of superannuation on 31.7.95, the proceedings already initiated against him were continued under Rule 9 Railway Services Pension Rules.

5. Applicant filed OA No. 540/96 challenging the Memo of charges and alternatively sought a direction to respondents to conclude the DE within a reasonable period and thereafter release his retiral benefits together with penal interest @ 18% p.a. That OA was disposed of by order dated 13.7.98 (Annexure-A-2) whereby respondents were directed to conclude the aforesaid DE within 4 months from the date of receipt of a copy of the order in which applicant was also to cooperate fully and thereafter respondents were to pass appropriate orders in accordance with law.

6. Having regard to the fact that applicant had retired on 31.7.95, the disciplinary authority by order dated 3.11.98 ordered the DE to be closed.

7. Thereupon applicant filed CP No. 139/99 which was rejected by order dated 13.9.99.

8. Upon closure of the DE against applicant by order dated 3.11.98, order for payment of DCRG, leave encashment and commuted value of pension were passed on 20.05.99; revised PPO was issued to him in April, 1999, and payment of transfer and packing allowance was arranged on 5.4.2000.

9. Manifestly under rules applicant could not have been released his final retiral dues during pendency of the DE against him. The DE was dropped on 3.11.98, and from that date till the date payment of his final retiral dues were ordered viz. 20.5.99, cannot be said to be an unduly

long period to warrant respondents being saddled with payment of interest. Applicant has also not succeeded in establishing that the pendency of the DE from 28.6.95 till it was eventually dropped on 3.11.98 was on account of respondents' ^{dilatoriness} alone to warrant a direction to respondents to pay applicant interest @18% p.a. on account of delay in release of his final retiral benefits.

10. The OA is therefore dismissed. No costs.

A. Vedaiah
(DR. A. VEDAVALI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

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