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Central Administrative Tribunal  
Principal Bench

O.A. 310/99

New Delhi this the 11th day of April, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

J. N. Verma,  
R/o QP-45, Pitampura,  
Near Raghunath Temple,  
New Delhi.

... Applicant.

(By Advocate Shri S.K. Sawhney)

Versus

1. Union of India through  
General Manager,  
Northern Railway, Baroda House,  
New Delhi.

2. Divisional Railway Manager,  
Northern Railway,  
Ferozepur Cantt.

3. Deputy Chief Engineer (Constn.),  
Northern Railway,  
Lucknow.

4. Chief Administrative Officer (Constn.),  
Northern Railway, Kashmere Gate,  
Delhi.

... Respondents.

(By Advocate Shri M.K. Gaur proxy for Shri R.P. Aggarwal)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant, who has retired from service with the respondents as Inspector of Works (IOW) on 31.1.1996, has filed this O.A. claiming the reliefs set out in Paragraph 8, namely, (1) the difference of salary for the month of January, 1996 on revision of his pay; (2) arrears for 8 months leave encashment, DCRG and commutation of pension on account of revision of pay; (3) interest on the delayed payment of the aforesaid amounts from 1.1.1996 to the date of payment and costs.

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2. I have carefully perused the pleadings on record and heard Shri S.K. Sawhney and Shri M.K. Gaur, learned proxy counsel for the respondents.

3. From the reply filed by the respondents it is noted that they have recovered cost of 30 metres rails 75 lbs. scrap amounting to Rs.10,916/- from the arrears bill of the applicant which they have stated will be released to him as soon as the rails, in question, are released by the Company Commander, RPF, Varanasi. Subject to this, they have submitted that the arrears bills of the applicant have been submitted to SAO (C), Northern Railway, Allahabad for audit and arranging an early payment to him, as set out in Paragraph 1 of the counter affidavit. These payments relate to (1) the difference of arrears bill of leave encashment; (2) salary for the month of Jan, 1996; and (3) Productivity Linked Bonus (PLB) for the year 1995-96. Shri S.K. Sawhney, learned counsel, has submitted that while some amounts against these three heads might have been paid to the applicant, however, the actual amounts <sup>are</sup> ~~are~~ disputed as, according to the applicant, the amounts due to him are higher than what has been stated by the respondents in their reply. Apart from that, learned counsel for the applicant has submitted that there is no reason why, after the applicant retired from service w.e.f. 31.1.1996, the arrears on account of DCRG and commutation of pension have still not been paid to him in accordance with the rules. He has, therefore, submitted that as there has been considerable delay in releasing these amounts to the applicant, the respondents should be directed to pay interest on the delayed payment from 1.1.1996 till the date of actual payment.

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4. As regards the difference in the claim of leave encashment and salary for the month of January, 1996, the respondents are directed to give a detailed written statement of the bills to the applicant within two months from the date of receipt of a copy of this order. The applicant, if not satisfied with the written statement, may also be given an opportunity of hearing by the concerned officer on any working day immediately thereafter so that he can satisfy himself about the calculations.

5. The respondents have not given any reason in the counter reply as to why they have not paid the arrears amount due to the applicant by way of DCRG and commutation of pension resulting from the revision of pay w.e.f. 1.2.1996. It is also relevant to note that the competent authority has already withheld the amount of Rs.10916/- from the arrears bill of the applicant with respect to 30 mtrs rails 75 lbs scrap till the decision of that case.

6. In the circumstances of the case, the respondents are directed to pay the applicant the arrears of DCRG and commutation of pension on account of revision of pay from the due date, if not already done within three months from the date of receipt of a copy of this order. The applicant shall also be entitled to interest @ 10% per annum. from six months from the date of his retirement i.e. from 1.8.1996 till the date of actual payment. In case, the interest amount is not paid within the aforesaid period, the respondents shall pay interest @ 12% per annum thereafter, till the date of actual payment.

6. O.A. is disposed of as above. No order as to costs.

  
(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'