

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No 1910/98

Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this the 4th day of June, 1999

(8)

Shri Ramesh Chandra Gupta
S/o Late Shri Laxmi Narain
R/o E-165, Kalkaji
New Delhi

.... Applicant

(By Advocate: Shri V.P. Kohli)

Versus

Union of India Through:

1. The General Manager
Northern Railway
Baroda House, New Delhi

2. The Divisional Railway Manager
Northern Railway
Moradabad

.... Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R

The applicant states that he joined the service of Railways on 21.7.1951 but on the basis of a vigilance enquiry, was suspended on 11.8.1967 and removed from service on 7.5.1970. He filed a civil suit in the Court of Munsif, Moradabad which ~~only~~ was rejected. But his appeal in the Civil Court, Allahabad was allowed on 6.3.1976. ~~and that~~ The respondents filed an appeal in the High Court at Allahabad. Pending finalisation of the said appeal he was reinstated in service on 19.3.1978. On the basis of his application filed in the Court of Authority under Payment of Wages Act, Assistant Labour Commissioner, Bareilly, he obtained his illegally withheld wages with one time compensation for the period of his suspension. Payment of pension was made on 16.9.93, gratuity on 1.4.92, commutation of pension on 1.4.92 and leave encashment on 9.4.92. The Authority under Payment Wages Act also allowed him bonus and other

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arrears with five times compensation vide its order dated 30.5.1998. His claim for balance of his pension was also held in December, 1997. He submits that his pension by the Pension Office was calculated on the basis of a pay of Rs.1275/- instead of Rs.1560/- and even that payment was made to him on 19.7.98. He has now come before the Tribunal seeking 18 per cent interest on the delayed payment.

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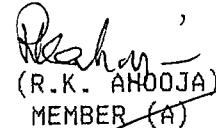
2. The respondents, in their reply, have stated that the payment for difference of settlement payable to the applicant is under examination of Sr. Divisional Accounts Officer, Moradabad for audit and payment. As for the other late payments, they have submitted that he is not entitled to the grant of interest.

3. I have heard the counsel. The applicant has been paid his retiral benefits in 1992-93 and he is barred by limitation by now coming to the Tribunal. As regards payments made in 1997-98 on the basis of the decision of the Authority under Payment of Wages Act, his claim is barred by res-judicata. However, the respondents themselves admit that they are considering the case of the applicant for recalculating the dues on the basis of his revised pay which is under active consideration. The applicant retired as far back as in 1987. He has been obliged to knock at the doors of various courts and Tribunals to obtain his dues. Since the applicant admits that his pay has already been revised with retrospective effect, there should not have been such a delay in releasing the consequential payment.

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4. Accordingly the O.A. is partially allowed. The respondents are directed to finalise the case of revised retiral benefits on the basis of his revised pay within a period of three months from the receipt of a copy of this order. These benefits may be paid with interest @ 12 per cent from one year prior to the date of filing this O.A., i.e. 28.9.1998 till the date of actual payment. No order as to costs.

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(R.K. AHOOJA)
MEMBER (A)

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