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Date of Decision 2-6-99

Sunit D. G. Wabra Advocate for the Applicant(s)

Whom of India Respondent(s)

C O R A M: (Single/~~Division~~)

Hon'ble Shri _____

- Yes/~~No~~

(R.K. AHOOJA)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 2253/98

New Delhi, this the 2nd day of June, 1999

HON'BLE SHRI R.K.AHOOJA, MEMBER (A)

In the matter of:

P.N.Bhatia
S/o Shri Dina Nath Bhatia
Aged 60 years
R/o 123 Sarai Sheikh Alam,
(Khatik Para)
Khurja City,
PIN 203131 (U.P)
(By Advocate: Sh.D.C.Vohra) Applicant
Vs.

1. Union of India
through the General Manager
Northern Railways
Baroda House,
New Delhi-110001.
2. The Financial Adviser &
Chief Accounts Officer
Northern Railways Hqrs,
Baroda House
New Delhi-110001.
3. The Chief Cashier
Northern Railways
Multi Storyed Building
Paharganj,
New Delhi-110055.
(By Advocate: Sh.V.S.R. Krishna) Respondents

O R D E R

The applicant who was working in the office of the Divisional Cashier of Northern Railways retired on 30.6.95. He submits that the respondents neither paid him any pension nor DCRG. He then came before this Tribunal with OA No.438/96 which was decided on 19.11.96. At that time he had also sought directions for payment of interest on account of the delay. The Tribunal in its order had directed the respondents to keep this demand of the applicant in view while passing their speaking and reasoned order on the plea for increasing his pension consequent upon the orders of his promotion with retrospective effect.. The applicant submits that the respondents vide order (Annexure A-5) dated 22.1.97

rejected his claim for payment of interest on the flimsy plea that the case of R.Kapur relied upon by him does not cover his case since the Supreme Court judgment in R.Kapur Vs. Director of Inspection Income Tax & Another, JT 1994 (6) 354 related to payment of interest on delayed payment of DCRG and not delayed payment of pension.

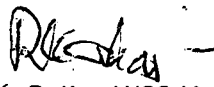
2. The respondents in their reply have stated that the applicant did not vacate the quarter allotted to him till February 1997 and, therefore, the DCRG could not be released to him as per rules. As regards release of pension they have stated that there was no wilful delay on their part as the applicant himself did not complete the required pension papers till after one year of his retirement. The settlement of dues of the applicant could not be calculated till the completion of paper work by the applicant and, therefore, the delay in release of his pension was entirely on account of his own omission.

3. It has already been held by the Supreme Court in Rajpal Wahi vs. Union of India in SLP 7688-91/98 that withholding of DCRG as well as railway passes during the period of unauthorised occupation at Railway quarter in pursuance of the Railway circular dated 24.4.82 is valid. It was also held that the delay in such payments being on account of instructions and not on account of administrative lapse, payment of interest was not called for. As admittedly, the applicant did not vacate the Railway accommodation allotted to him till February 1997, his claim either for interest on the delayed payment of DCRG or for release of Railway passes cannot be accepted.

Dr

4. As regards the payment of interest on delayed release of pension Dr. Vohra, learned counsel for applicant submitted that the applicant had been involved in an accident immediately prior to his retirement and was not in a position to visit the office. He also pointed out that the respondents did not for a long time regularise the period of his absence on account of his accident. His case for promotion was also kept hanging by the respondents and was not resolved till he approached this Tribunal. It was also argued by the learned counsel that if the applicant because of his disability could not come to office to fill up the relevant forms, the respondents, as model employers should themselves have taken steps to get the formalities completed. Be, that as it may, the fact remains that the applicant did not for a year after his retirement complete the requisite papers for whatever reason. The payment of interest would be justified only if the delay on the part of the respondents is shown to be culpable and wilful. In the facts and circumstances of present case when the applicant had not completed the relevant papers, the culpability of the respondents is not established.

5. In the result, the OA fails and is dismissed leaving no order as to costs.


(R.K. AHOOJA)
Member (A)

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