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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A.No. 134 of 1995

New Delhi, dated the 1st February, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)

Shri K.P. Sharma,
S/o Shri Tara Chand Sharma,
R/o Flat No. 232, Pocket-B-2,
Sector-17, Rohini,
Delhi-110085. APPLICANT

(By Advocate: Shri Gyan Prakash)

VERSUS

1. Union of India through
the General Manager, Northern Railway,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
Moradabad, U.P.
3. The Sr. Divl. Accounts Officer,
Northern Railway,
Moradabad, U.P. RESPONDENTS

(By Advocate: Shri P.S. Mahendru)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri K.P. Sharma, retd. Divl. Controller of Stores, Northern Railway, Moradabad, U.P. has prayed for the release of a sum of Rs.3992.44, which is the interest amount that has accrued on a sum of Rs.1831/- which was his Compulsory Deposit placed by the applicant with the Respondents from 1978-79 onwards.

2. From the material on record it appears that the applicant had earlier filed O.A. 1730/91, in which one of the reliefs prayed for was in respect of release of CD amount together with interest @ 24%. That O.A. was disposed of by the judgment dated 13.4.92, whereby against the above mentioned relief, the Resp. were directed "to pay the sum of Rs.1831/- on account of non-payment of CD amount alongwith interest @ 10% from the date of the retirement till the date of payment".

3. It is not denied by the applicant that this sum of Rs.1831/- on account of CD together with interest @ 10% p.a. from the date of retirement till the date of payment has been received by him. Further it appears that in the O.A. itself the question of payment of interest at the prescribed rate on the CDS amount of Rs.1831/- from 1978-79 till the date of retirement i.e. 30.4.90 was not specifically pressed and hence no order in respect of that amount of interest, amounting to Rs.3992.44 was passed in the judgment dated 13.4.92. *A*

4. Thereafter the applicant appears to have filed Review Application no.188/92, in which a prayer was made to review the judgment dated 13.4.92, to allow the grant of interest on the CDS deposit from 1978-79, till the actual date of payment, but the Tribunal in its order dated 1.6.92 dismissing the R.A., rejected the prayer on the ground that no such relief has been sought for in the O.A. itself and the R.A. hence did not come within the four corners of Order 47 Rule 1 C.P.C. under which alone any judgment/order/decision of the Tribunal could be reviewed.

5. I have heard Shri Gyan Prakash for the applicant and Shri P.S. Mahendru for the Respondents.

6. Shri Mahendru has taken the stand that the O.A. is barred both on account of res judicata as well as on account of limitation and hence it is fit to be dismissed. I have considered the rival contention carefully.

7. I have perused the contents of Section 9(1) Addl. Emoluments (Compulsory Deposit) Scheme which states that subject to the provision of Sub-Section (2) the amount credited to the deposit ^{would} ~~not~~ be repayable with interest due therein. Sub-Section (2) of Section 9 states that the aggregate amount

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credited to the CD account shall be repaid to the employee in five equal monthly instalments. In the present case, the Tribunal itself had noticed that the amount of Rs.1831/- has not been repaid in five equal monthly instalments since the date of retirement of the applicant. Since the Act itself provides that the amount credited to the deposit account would be repayable with interest, and as the sum of Rs.1831/-, ultimately was the applicant's own money which he had placed with the Govt. under the Compulsory Deposit Scheme which the Govt. used for their own purposes, the interest at the prescribed rates which had accrued till the date of retirement i.e. 30.4.1990 cannot be legitimately denied to him, notwithstanding the fact that the payment of this sum had not been specifically prayed for by him in O.A. 1730/91. Nor in my view can the plea of limitation be taken ^{t/a} by the Respondents _h defeat the applicant's claim.

8. Under the circumstances this O.A. is allowed and the Resp. are directed to pay to the applicant the interest at the prescribed rate under CDS Act 1974 on the sum of Rs.1831/- from 1.4.78 to 30.4.90 within three months from the date of receipt of a copy of this judgment. Shri Gyan Prakash states that the total amount comes to Rs.3992.44 but this figure is subject to ~~the~~ ^h actual verification by the Resp. No costs.

Infra
(S.R. ADIGE)
Member (A)

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