

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 1387/95
T.A. No.

199

DATE OF DECISION 31-5-96

Shri D.P.Chhabra

Petitioner

Shri S.C.Luthra with Sh.
D.P.Khokha

Advocate for the Petitioner(s)

Versus

Union of India through the
Secretary and DR, Central Rly.
(Jhansi)

Respondent

~~Shri H.K.Gangwani~~

Advocate for the Respondent(s)

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

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ☒
2. To be referred to the Reporter or not ? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? ☒
4. Whether it needs to be circulated to other Benches of the Tribunal ? ☒

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO.1387/95

New Delhi, this the 31st day of May, 1996

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

Shri O.P. Chhabra,
s/o late Shri Bhagwan Dass,
Q-81, Pocket-B,
Mayur Vihar, Phase II,
Delhi.

.... Applicant

By Advocate: Shri S.C. Luthra with
Shri O.P. Khokha

Vs.

1. Union of India
through the Secretary,
Railway Board, Rail Bhawan,
New Delhi.

2. Divisional Railway Manager,
Central Railway,
Jhansi, (U.P.)

... Respondents

By Advocate: Shri H.K. Gangwani

O R D E R (ORAL)

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

Heard Shri S.C. Luthra, learned counsel for the
applicant and Shri H.K. Gangwani, learned counsel for the
respondents and perused the record.

2. The claim of the applicant in this case is for grant
of interest on arrears of pay, pension and withheld amount
of Rs.3,000/- as DCRG @ 18% per annum from the date the
payments became due till the dates when they were actually made.

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3. The applicant had filed O.A. 2106/91 which was decided on 24.12.92. This application was allowed and the respondents were directed to fix the pay of the applicant at Rs.3200/- on 25.9.86 ¹³ ~~with~~ consequential benefits while he was in service and those after his retirement. The applicant retired from service on 31.10.90. The orders of the Tribunal were to be complied with within three months from the date of communication to the respondents.

4. The respondents have filed ^{an} additional affidavit by which it is seen that the applicant was paid the amount of arrears of pay earlier. The respondents by the PPO dated 8.2.94 wrongly fixed the date of retirement of the applicant as 1.11.93 instead of 31.10.90. This was subsequently corrected by the respondents on 20.7.94. In the additional affidavit filed by the respondents, they have stated that the arrears of pension of Rs.9,756/- with effect from 1.11.90 was paid to the applicant in September, 1994.

5. The learned counsel for the applicant submits that in addition to the delay in payment of pension, an amount of Rs.3000/- as DCRG was also withheld illegally by the respondents which was also subsequently paid on 4.1.94.

The applicant submits that his pay and other ^{retiral} ~~retiral~~ benefits ought to have been paid to him within three months of the date

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of judgement i.e. 24.12.92 in O.A. 2106/91. The learned counsel for the respondents has on the other hand submitted that the S.L.P. filed in the Supreme Court was dismissed ^{by} only on 19.11.93. Thereafter the PPO was issued on 8.2.94 and so there has been no ^{due} ~~undue~~ delay on the part of the respondents so as to warrant payment of any interest on the delayed amounts. This has been vehemently refuted by the learned counsel for the applicant. He submits that the PPO dated 8.2.94 ^{had} given the wrong date of the applicant's retirement and was only corrected as late as 20.7.94 on the basis of which the bank credited his account in September, 1994.

6. From the order of the Supreme Court in the SLP filed by the Union of India against the judgement dated 24.12.92 (Annexure A-3) it is seen that the SLP had been dismissed on the ground of delay as well as on merits. Admittedly the respondents had issued ^{an} erroneous PPO on 8.2.94 which was only corrected as late as in July, 1994. Further the respondents have stated that the amount of DCRG which they have ^{with-} held is "a petty amount" and, therefore, no interest is payable on the same. This submission on behalf of the respondents deserves rejection outrightly because needless to say although an amount of Rs.3000/- which has been withheld by the respondents without any ^{reason or} ~~reason~~ might be a petty amount as far

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as the respondents are concerned, they cannot take it so lightly as far as the applicant is concerned. This attitude of the Respondents indicates their lack of appreciation of the pensioners' problems.

7. In view of the above facts and circumstances, OA is disposed of with the following directions:-

The respondents are directed to pay 18% interest on the withheld DCRG amount of Rs 3,000/- from the date of such withholding to the date of actual payment. It is further ordered that the respondents shall pay interest @ 12% per annum on the delayed payment of pension from one month from the date of the Supreme Court order i.e.

from 19.12.1993 to the actual date of payment. *These* *by amounts* shall be paid within one month from the date of receipt of a copy of this order.

8. No costs.

Lakshmi Swaminathan

(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

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