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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.319/95

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

New Delhi, this 4th day of November, 1996

G.K.Nayyar
s/o Shri Amrik Singh Nayyar
Retd. PWI (TSC)
SEN/TM, Engg. Branch
Baroda House
NEW DELHI.

R/o JP-51, Maurya Enclave
Delhi - 110 034. ... Applicant

(By Shri G.U.Bhandari, Advocate)

Vs.

1. Union of India, through
The General Manager
Northern Rly., Baroda House
NEW DELHI.

2. The Divisional Rly. Manager
Northern Railway,
State Entry Road
NEW DELHI - ... Respondents

(By Shri D.S.Mahendru, proxy of Shri P.S.Mahendru
Advocate)

The application having been heard
on 04.11.1996, the Tribunal on the
same day passed the following:

ORDER

In this Original Application, the
Applicant sought a direction to the respondents
to make payment of his pension, commutation of
pension, gratuity and other ancillary benefits
due on the date of his retirement, that is,
31.12.1994. He also submits that such payment
should be made to him with an interest at 18%
per annum. He further seeks a direction to the

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respondents to decide the period from 30.7.1991 to 16.10.1991, a total of 79 days during which period the Applicant actually performed official duty and to pay him the arrears of salary thereof with interest.

2. The respondents in their counter have submitted that they have already made the payments of all the dues to the Applicant. Details of such payment have been given in para 4.13 and 4.14^{of their reply}. In rejoinder filed by the Applicant, the same is not denied. In para 11 of his rejoinder, applicant submits that he has received the rest of the entitlement dues except the pension. But the amount of Rs.9,429/- deducted from the Applicant's dues along with the payment for a period of 79 days from 30.7.1991 to 16.10.1991 still remains. He has however given no details about the deduction of the amount of Rs.9,429/- which he says is due from the Respondents. Details of actual payment have neither been mentioned by the Respondents in their reply nor by the applicant in the Rejoinder.

3. I have heard the contentions of the learned counsel on both sides. The main relief sought for by the Applicant regarding the payment of his terminal benefits has already been obtained as all the terminal benefits have been paid to him by the Respondents. In their counter, they have also given the details regarding the

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pension payment orders. Since the actual dates have not been mentioned by the applicant also, no directions in my view are required regarding payment of interest. As regards payment of salary dues for the period 30.7.1991 to 16.10.91, the Respondents have stated in their reply that the Applicant was treated as absent from duty during that period and therefore no payment of salary was made to him. In his Rejoinder, the Applicant states that the matter still has to be decided as to how this period is to be treated. Be that as it may, this matter pertains to 1991 and the Application has been filed in 1995. For reasons of delay and laches, it is not necessary to go further into this question by this Tribunal at this stage.

4. Since the main relief sought for by the Applicant has already been granted, the Application is disposed of as infructuous. In case the Applicant is still aggrieved, he is at liberty to seek remedy in respect of the payment of interest in accordance with law. No costs.

Rakesh
(R.K.AHOOJA)
MEMBER(A)

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