

Central Administrative Tribunal

Principal Bench : New Delhi

OA No. 525/96

Wednesday, this the 15th day of January, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)

M.D. Khattar s/o J.R. Khattar,  
R/o DE-III, Tagore Garden,  
New Delhi. ....Applicant  
(By Shri M.K.Gupta, Advocate)

Versus

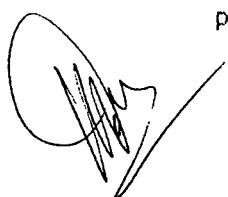
Union of India through  
Secretary,  
Railway Board,  
Ministry of Railways,  
Rail Bhawan,  
New Delhi - 110 001. ...Respondents  
(By Shri P.S.Mahendru,Advocate)

ORDER (Oral)

The applicant in this case came to this court after his retirement to obtain delayed retirement benefits. He filed an OA-1431/88 which was allowed on 20.11.1992 and payments were made at different stages. He had filed a Contempt



Petition also in the meantime and in both the judgement of OA as well as the orders passed in the Contempt Petition, there was no reference to payment of interest nor the rate of interest which could be paid. Finally in the order in the Contempt Petition liberty was given to the applicant to make a representation to the respondents for grant of interest on delayed payments. The said representation was made on 25.8.1995 and the respondents replied the same by an order dated 6.2.1996. The applicant is challenging this order in this OA. The respondents by this order decided to pay interest and on the basis of an instruction they fixed the rate of interest @ 7% per annum from 10.06.1994 to 28.4.1994 and 12% per annum thereafter. In the absence of any rate fixed by this court in any of the previous orders for payment of interest, the department has rightly relied on its own instructions to pay the interest to the applicant. The applicant in this OA is challenging the said rate of interest on the ground that the applicant is also similarly placed as that of Mr. J.Saran, whose case has also been similarly filed, proceeded by a Contempt Petition and there<sup>for</sup> SLP in the Hon'ble Supreme Court. In a second OA, J.Saran obtained a direction from this Tribunal for payment of interest @ 10% per annum. The applicant in this case is claiming interest @ 15% per annum which prayer cannot be acceded to. What the maximum applicant can obtain is by way of parity as granted to Mr. J. Saran & Ors. i.e. payment of interest @ 10% per annum.



(18)

Counsel appearing for the applicant has  
fairly conceded that even though he is entitled to  
calculation of payment of interest on delayed  
payment from three months after the date of  
retirement, he would be satisfied if the payment  
is made from the date on which his first OA was  
allowed i.e. w.e.f. 20.11.1992. I accordingly  
direct that:-

(i) the payment of interest shall be  
computed from 20.11.1992 till the date of  
respective payments;

(ii) the rate of interest applicable  
shall be 10% per annum as <sup>was the</sup> ~~post~~ direction in  
J.Saran's case;

(iii) the calculation of the exact  
amount of interest @ 10% per annum may be made by  
the respondents and pass appropriate orders for  
payment of interest within eight weeks from the  
date of receipt of a copy of this order.

(iv) No orders as to costs.



(Dr. Jose P. Verghese)

Vice-Chairman (J)

/Ahuja/