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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1894 of 1994

New Delhi this the 30th day of August, 1995.

HON'BLE SHRI B. K. SINGH, MEMBER (A)

Krishna Mohan Varshney
S/o late Shri Panna Lal,
R/o House No. C-6/247, Yamuna Vihar,
Delhi - 110053.

... Applicant

(By Shri S. P. Sehgal, Advocate)

Versus

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

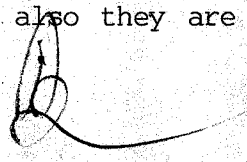
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

... Respondents

(By Shri H. K. Gangwani, Advocate)

O R D E R (ORAL)

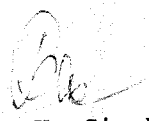
The admitted facts are that the applicant retired on 31.7.1990 and the pension payment order was issued vide letter No. 0390/Postal/167 dated 27.7.1990. As regards gratuity, Annexure-II to the counter reply clearly indicates that DCRG was due on 1.2.1991 and after six months as per Railway Board's letter No. F(E)-III-87/PN/XI/1 dated 17.11.1987 PS No. 9466, the interest has been taken at the rate of 7% per annum. The amount of interest calculated on DCRG as per the instructions contained in the aforesaid letter comes to Rs.1129.73 and this has been received by the applicant along with the principal amount and other retiral benefits have also been paid to him. The learned counsel for the applicant has not been able to prove any administrative lapse on the part of the respondents for payment of any interest. Whatever interest was due to him on DCRG, has been paid to him. The interest can be allowed as per instructions after a period of six months in Government services, and in Railways also they are following the same



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rules and instructions as hold good for ^{similar} Government servants. In addition to this, this application has been filed on 21.9.1994 when the applicant retired on 31.7.1990 and the delay has not been explained. The Hon'ble Supreme Court in a catena of judgments has clearly held that the power to condone the delay to the Tribunal is confined to Section 21 of the Administrative Tribunals Act, 1985, that is, one year if no representation has been filed and one and a half years if a representation has been filed with the respondents. In case of State of Punjab vs. Gurdev Singh, JT 1991 (3) SC 465, the Hon'ble Supreme Court has held that a person aggrieved has to approach the court within the statutory period prescribed in the Act since after the expiry of that period no relief can be granted by the court. The same view has been reiterated in case of Union of India vs. Ratan Chandra Samanta, JT 1993 (3) SC 418. Thus, the application fails on account of delay and laches and on merits also.

2. The application is accordingly dismissed leaving the parties to bear their own costs.


(B. K. Singh)
Member (A)