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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1971/2000

New Delhi, this the 17th day of the May, 2001

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Kham Chand s/o Shri Yad Ram,
R/o 302/24, Onkar Nagar-B, Trinagar,
Delhi-35.

... Applicant

(By Advocate: Shri Yogesh Sharma)

V E R S U S

1. Union of India the General Manager
Northern Railway, Baroda House, New Delhi.

2. The Divisional Railway Manager,
Northern Railway, Bikaner (Rajasthan.)

... Respondents

(By Advocate: Shri R.L. Dhawan)

ORDER (ORAL)

By S.A.T. Rizvi, Member (A):

Heard the learned counsel on either side and perused the record.

2. The applicant a Booking Supervisor in the Railways superannuated on 30.11.1997. In respect of payment of post retiral benefits, the applicant is aggrieved as follows:-

1. The basic pay last drawn by the applicant before retirement has been fixed at Rs.1900/- whereas the same should have been fixed at Rs.1950/- and the benefits calculated accordingly;

2. From the amount of gratuity, only a sum of Rs.1616/- was to be recovered by way of settlement whereas the respondents have recovered Rs.3536/-.

[Signature]

(2)

Thus the difference amount of Rs.1920/- should be paid to the applicant; and

3. The post retiral benefits supposed to have been paid to the applicant in two instalments of Rs.7188/- and Rs.7189/- (A-1) have not been received by the applicant even though the respective bills had been passed on 20.3.1998 and 15.5.1998.

3. In support of his contention that the basic pay last drawn by the applicant before retirement should have been fixed at Rs.1950/-, the learned counsel for the applicant places reliance on a certificate issued by the Station Superintendent of the Railway Station from which the applicant retired. The same is dated 1.8.2000 (A-2). As per the said certificate the last pay drawn was Rs.1950/- and this was so in accordance with the station record. The learned counsel for the respondents disputes this position and submits that the Divisional Personnel Officer who has filed the reply to the OA has, after verification from the relevant record, found that the last basic pay of the applicant was Rs.1900/- and, in the face of this verification, reliance cannot be placed on a stray certificate on the subject issued by the Station Superintendent. In support of this contention, he places reliance on the Tribunal's judgement rendered in Prabir Sarker & Ors. Vs. UOI & Ors. reported in SLJ 944 (1) CAT 445 wherein it has been laid down that certificates based on the basis of personal knowledge cannot be relied upon. The learned

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counsel for the applicant has insisted, and in my view correctly, that the aforesaid certificate dated 1.8.2000 is not based on the personal knowledge of the Station Superintendent but rather on station record which is a duly maintained official record. The learned counsel argues that the respondents should have no hesitation in re-verifying the actual position from the service book and such other documents as are required to be relied upon for fixing the last pay drawn. In agreement with that the aforesaid submission made by the learned counsel for the applicant, I, therefore, proceed to direct respondents to carry out a proper re-check as above and in the event of the last pay drawn being found to be Rs.1950/- take action to recalculate the post retiral benefits accordingly and arrange to pay the balance amounts expeditiously and in any case within a period of two months from the date of receipt of a copy of this order.

4. Insofar as the amount of gratuity is concerned, I see no harm if the respondents in this regard also proceed to re-verify from the relevant records maintained by them over again having regard to the letter dated 30.6.2000 placed on record by the applicant along with his rejoinder which goes to show that whereas the respondents have recovered a sum of Rs.3536/- from the amount of gratuity payable to the applicant, a sum of Rs.1616/- alone should have been so recovered yielding a balance of Rs.1920/- in favour of the applicant. Upon re-verification, the balance amount of



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Rs.1920/- if found due by the respondents will be paid to the applicant within a period of two months from the date of receipt of a copy of this order.

5. The non-receipt of the cheques amounting to Rs.7188/- and Rs.7189/- by the applicant so far needs to be deplored. It is over three years since the relevant bills were passed by the respondents but the corresponding cheques have not been made over to the applicant so far. The respondents are directed to ensure delivery of the aforesaid cheques to the applicant within one week from the date of receipt of a copy of this order.

6. The payment referred to in the earlier paragraph has, in particular, been very badly delayed for unjustifiable reason. The applicant is, therefore, entitled to receive alongwith the aforesaid amounts interest calculated at the rate of 18% from the date the respective bills were passed. The amount of interest will also be paid within a period of two months from the date of receipt of a copy of this order.

7. No costs.



(S.A.T. Rizvi)
MEMBER (A)

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