

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

No. O.A. 350/00717/2020

Date of order: 30.9.2020

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Smt. Tilki Devi,
 W/o Late Durga Rai,
 Aged 60 years,
 Residing at Village – Surja Kamal Railway Qtr. No.
 M/23/GP, P.O – Surjakamal,
 P.S-Chakuliya,
 Dist. Uttar Dinajpur (W.B) – 733209.

---Applicant

Versus

1. Union of India, through General Manager, North East Frontier, Railway Maligaon (Assam) Pin 781011.
2. Chief Personal Officer/N.F Railway/Maligaon(Assam) 781011.
3. Divisional Railway Manager/N. F. Railway/katihar (Bihar) – 854105.
4. Divisional Personal Officer/ N. F. Railway/katihar (Bihar) – 854105.

--Respondents

For the Applicant : Mr. A.K. Paul, Counsel

For the Respondents : Ms. S. Choudhry, Counsel

O R D E R (Oral)Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal in second stage litigation under Section 19 of the Administrative Tribunals Act, 1985

primarily praying for interest on delayed payment of death cum retiral benefits.

2. Heard both Ld. Counsel and examined documents on record. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would aver that the applicant is the spouse of a deceased employee of the respondent authorities, who had expired in harness on 29.12.1988.

A total amount of Rs. 12,63,880/- was released as pension and gratuity to the applicant on 9.7.2019 but no interest was issued on the delayed payment. The applicant represented to the respondents praying for payment of interest @12% p.a. w.e.f. the date of her entitlement but, as such prayer had fallen on deaf ears, and being aggrieved, the applicant has approached this Tribunal praying for grant of 12% interest on the delayed payment of the death benefits.

Ld. Counsel for the applicant would urge that the respondents be directed to grant such interest in response to the applicant's representation dated 16.1.2020 at Annexure A-3 to the O.A.

4. Ld. Counsel for the respondents would robustly object to the applicant's claim referring to the applicant's earlier O.A. No. 612 of 2014 preferred in Patna Bench. Although the applicant had prayed for, inter alia, 12% interest on the retiral dues therein, the Patna Bench of the Tribunal had concluded as follows:-

"In conclusion, the O.A. is allowed. The respondents are directed to grant family pension to the applicant treating the husband of the applicant as a regular Gangman with effect from the date of its screening test held on 26.6.1987, which were duly approved by the authority in the case of identically situated other Gangmen. The whole exercise must be completed within three months from the date of receipt of a copy of this order."

hsl

Ld. Counsel would argue that, as the Tribunal did not grant any payment of interest, the instant prayer is barred by the principles of "Res judicata."

I find, however, that the Tribunal, while disposing of O.A. No. 612/2014, confined its directions to grant of family pension only and had not adjudicated on merit the issue of interest on delayed payments. There is also, admittedly, on record (Annexure A-3 to the O.A.), a prayer for payment of interest on delayed payments, consequent to PPO dated 9.5.2019 (Annexure A1 to the O.A.), which is yet to be disposed of by the authorities.

5. Accordingly, without entering into the merits of the matter, I direct the competent respondent authority to decide in accordance with law, the justifiability of the representation of the applicant at Annexure A-3 to the O.A. within 12 weeks from the date of receipt of a copy of this order and to convey his decision in the form of reasoned and speaking order to the applicant thereafter.

In the event, the applicant's prayer is found to be justified as per law, payments on account of interest may be released to the applicant within a further period of 10 weeks thereafter.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

SP