

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. O.A. 67/91

Date of decision : 29.04.91

Sh.K.L.Raghavan

.. Applicant

Vs.

U.O.I.

.. Respondents.

PRESENT:

Shri R.K.Kamal, counsel for the applicant.

Shri O.P.Kshatriya, counsel for the respondent.

CORAM

Hon'ble Shri Justice Ram Pal Singh,

Vice Chairman (J).

Hon'ble Shri P.C.Jain, Member (A).

(Judgment of the Bench delivered by
Hon'ble Shri P.C.Jain, Member (A).)

JUDGMENT (ORAL)

In this application U/s 19 of the Administrative Tribunals Act 1985, the applicant who was deemed to have retired from the Railway services with effect from 20.11.82 vide order dated 14.5.86 (annexure A1), has raised his grievance of not being paid so far his retirement benefits, e.g. commutation amount, gratuity, Public Employees Insurance Scheme, leave salary encashment, pension and G.P.F. It is stated that he submitted several representations for the above, but to no effect.

2. As per the averments in his representation dated 3.11.89 (annexure A2), he submitted his claims for his retirement benefits in the prescribed forms on (i.e.)

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28.1.87.

3. In the order passed by a Bench of this Tribunal on 8.1.89 directing issue of notice to the respondents on admission and interim relief, it was also ordered that the undisputed amount against various items mentioned in the O.A. be paid to the applicant without any further delay. The respondents were also directed to file counter affidavit within four weeks. On the next date, Sh. B.P. Kshatriya, advocate appeared on behalf/^{of} the respondents and prayed for further three weeks time to file reply. Neither the reply has been filed so far nor, according to the 1d. counsel for the applicant, any amount has been paid to the applicant.

4. After hearing the 1d. counsel for the parties and perusal of the documents filed by the applicant, the retirement of the applicant from the service of the Railways with effect from 20.11.82 (F.N.) may not be disputed. Similarly, on the applicant's own admission in his representation dated 3.11.89, it may be taken that the applicant has furnished the various prescribed forms on 28.1.87. In the absence of any counter reply from the respondents despite several opportunities given to them and the absence of any other material contrary to the materials filed by the applicant, we are of the view that the O.A. has to be allowed in terms of the following directions:

Respondents are directed to settle the claim of the applicant in regard to the items mentioned above,

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(6)

in pursuance of his retirement from the services of the Railways, within a period of three months from the date of the receipt of a copy of the order by the respondents. The applicant shall also be entitled to simple interest @ 12% per annum with effect from 1.4.87 till the end of the month preceding the month in which the sanction order for each of the above item is issued (applicant had admittedly filed the necessary papers on 28.1.87) on the amounts which is found due to him in regard to G.P.F., leave salary encashment, savings portion of the Group Insurance Scheme, if he was a member of the Scheme, and gratuity. He shall also be entitled to the interest at the above rate on the arrears of monthly pension, if the commutation of pension was not sanctioned on or before 1.4.87. However, with effect from 1.4.87 or the date from which the commutation of pension is sanctioned, whichever is later, he shall also be entitled to interest at the above rate on the commuted value of pension.

5. Parties shall bear their own costs.

(P.C.JAIN)
MEMBER (A)

(RAM PAL SINGH)
VICE CHAIRMAN (J)