

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.NO. 181/94

in

OA.NO. 2941/92

Union of India & Ors.

... Applicants

V/S.

Shri Sarvjeet Singh

... Respondent

CORAM: Hon'ble Member (J) Shri B.S.Hegde

Tribunal's Order by Circulation

Dated: 31.5.1994

(PER: B.S.Hegde, Member (J))

This Review Application is filed by the Union of India against the judgement dated 18.2.1994 in OA.NO.2941/92 and the matter came up for hearing. None appeared on behalf of the Union of India, i.e. the present review applicants.

2. The only prayer that made in the application was payment of interest on belated payment of retiral benefits. Indisputedly, the amount paid to the applicant was Rs.1,30,158/- which was released to him on 15.6.1993. It is stated in the R.A. that the aforesaid amount was released to the applicant in original OA. in compliance with the order passed by this Tribunal. Admittedly, all the retiral benefits have been paid to the applicant except 25% gratuity ordered to be withheld having paid to the applicant on 15.6.1993. It is stated in the review application that the Government has taken a final decision on the applicant as on 24.12.1993. Since the departmental proceedings were pending against him till that time, they could not make the payment. However, in compliance of the Court's order dated 13.5.1993 the payment of remaining settlement dues was made to the applicant on 15.6.1993. All the payments were released to him on 15.6.1993 even when no final orders had been passed in the departmental proceedings

to comply with the order dated 13.5.1993 but for the court's orders retiral benefits would have been paid only after taking final decision in the departmental proceedings, i.e. 24.12.1993. Therefore, the review applicant contends that the payment of interest granted in the judgement under the circumstances is unwarranted and not tenable at law.

3. I have perused the review application and also the judgement rendered on 18.2.1994 and other papers. Since the respondents did not represent at the time of final hearing, the Tribunal was perforced to arrive at a decision on the basis of the averments made by the applicant's counsel. However, on verification of various facts that in terms of Railway Board's instructions dated 15.4.1991 the interest is payable only on delayed payment of gratuity in various set of circumstances and under the rules, no interest is payable on commuted value of pension, leave encashment and transfer/packing allowance etc. Since the applicant's counsel has not brought to the notice of the Tribunal, therefore such observations were made in the judgement saying that the respondents ought not to have released his retiral benefits which was paid to him on 15.6.1993, which only shows that the respondents were not serious in the completion of the disciplinary proceedings etc. Accordingly the respondents were directed to pay interest at the rate of 12% for the delayed payment of Rs.1,30,158/- from 1.1.1992 to 15.6.1993.

4. In the light of the above, and the explanation given in the review application, I am satisfied, that the order passed in the OA. is based on the statement made by the applicant's counsel found to be incorrect. Accordingly, I hereby modify the earlier order dated 18.2.1994 at page 5 stating that

interest is payable at the rate of 12% for the delayed payment of Rs.42,900/- towards Gratuity from 1.1.1992 to 15.6.1993 and the other amounts such as commuted value of pension, leave encashment no interest shall be payable. As stated earlier, the aforesaid amendment can be carried out by the Registry in the judgement and accordingly direct the Review Applicant to make payment of interest only on delayed payment of gratuity within a period of two months from the date of receipt of a copy of this order.

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5. The Review Application is disposed of accordingly in the light of the above.


(B.S. HEGDE)
MEMBER (J)

mrj.