

In the Central Administrative Tribunal  
Principal Bench: New Delhi



OA No.908/92

Date of decision:6.1.1993

Shri R.K. Sagar

...Petitioner

Versus

Union of India through  
General Manager, Northern  
Railway, New Delhi & Others ...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

Shri P.M. Ahlawat,  
Counsel.

For the respondents

Shri R.L.Dhawan and Shri  
B.K. Aggarwal, Counsel.

1. Whether reporters of local papers may be allowed to  
see the judgement? *no*
2. To be referred to the Reporter or not? *yes*

  
(I.K. Rasgotra)  
Member(A)

(2)

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For the petitioner

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Shri R.L.Dhawan and  
Shri B.K. Aggarwal,  
Counsel.

Judgement(Oral)

The petitioner was appointed as APWI on 2.1.1957 and he retired from service on attaining the age of superannuation on 31.7.1991, by which time he had rendered 34½ years continuous service. At the time the petition was filed on 31.3.1991 the petitioner had not been paid his retirement benefits. On 21.5.1992 when the matter came up before the Court the respondents were directed "to pay whatever is due according to them within a period of six weeks" to the petitioner. The learned counsel for the petitioner today informed the Court that the respondents have since paid the D.C.R.G. and authorised payment of provisional pension to the petitioner. The amount due on account of provident fund has also been paid. He has, however, not been paid leave encashment as due to him nor has he been allowed the commutation of pension. According to

(12)

the respondents the delay has taken place because the service book and other relevant records of the petitioner are not available and these necessary documents are being reconstructed. In the meantime, however, whatever could be paid has been paid to the petitioner.

2. Having regard to the circumstances of the case the respondents are directed to make payment of leave encashment and commutation of pension as early as possible but preferably within a period of three months from the date of communication of this order. Whatever formalities are required to be done should be completed during this period. The learned counsel for the petitioner admits that the order of commutation of pension has already been passed but the same has still not been released. If the leave encashment and commutation of pension is not paid within the afore-said period the petitioner shall be entitled to receive payment along with the interest at the rate of 18% per annum.

3. The learned counsel for the petitioner further states that the petitioner has received an amount of Rs.50,500/- of DCRG only in December, 1992. In accordance with the rules if the payment of DCRG is delayed for the administrative reasons the respondents are liable to pay interest for the first year of delay at 7% per annum after three months from the date of retirement and 10% thereafter. Accordingly, the respondents are further directed that they shall calculate the interest due on the DCRG payable to the petitioner and make payment with utmost expedition but

14

preferably within three months from the date of communication of this order. The O.A. is disposed of, as above. No costs.

4. In conclusion, I order and direct that the respondents shall pay leave encashment and commutation to the petitioner of pension/within three months from the date of communication of this order, failing which they shall make payment of the said <sup>amount</sup> along with interest at the rate of 18% per annum from the date the period of three months expires to the date of actual payment. They are further directed to pay interest on DCRG after excluding the first period of three months from the date of retirement at 7% per annum for the first year and at 10% per annum for the remaining period of delay as early as possible but preferably within three months from the date of communication of this order.

  
(I.K. Rasgotia)  
Member(A)

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