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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1803/93

New Delhi this the 16th Day of August 1994

Hon'ble Shri J.P. Sharma, Member (J)

Shri Hetu Ram Arora,
2062 Dr. Mukherjee Nagar,
Delhi-110 009. ... Applicant
(By Advocate: Shri G.D. BHANDARI)

Versus

1. Union of India through
The General Manager,
Northern Railway,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi. ... Respondents
(By Advocate: Shri P.S. Mahendru)

O R D E R

Hon'ble Shri J.P. SHARMA, Member (J)

The applicant retired from the Railways as Assistant Superintendent, Rohtak. He earlier filed OA No. 2420/89 before the Principal Bench for the direction to the respondents to give him promotion in Group 'B' Post on ad hoc basis in Operating Branch of the T(T) and C Department from the date his next junior was promoted with all consequential benefits and back wages arrears etc. He has also prayed that his retiral benefits be recalculated including gratuity and pension and the payment be made within the stipulated time. This application was decided partly in favour of the applicant by the order dated 24.10.1991 with the direction to the respondents to give ad hoc notional promotion to the applicant in the Group 'B' post in the Operating Branch with all benefits of back wages and arrears

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with effect from the date his next junior has been given such ad hoc promotion, and to revise the gratuity and pensional benefits within a period of three months from the date of receipt of this order.

2. The grievance of the applicant is that in pursuance of the aforesaid judgement dated 24.10.1991, the applicant was given the balance outstanding amount of gratuity Rs.1650/- on 14.1.1993, leave encashment Rs. 1,072/- on 14.1.1993 and arrears of pay Rs. 1,402/- on 25.1.1993, the pension arrears Rs. 2,764/- on 10.3.1993 and commutation of pension Rs. 2,259/- on 10.3.1993. It is stated further that there is a delay in payment and he has prayed that the direction be issued to the respondents to make payment of the interest amount on the aforesaid amount @ 18% per annum till the date of payment.

3. A notice was issued to the respondents who contested the application and stated that the applicant is not entitled to the grant of any relief. It is stated that interest on the revised pensionary benefit was never allowed in the judgement under reference nor the same is admissible to him under the rules. The respondents have also filed RA against the aforesaid judgement on 27.5.1992.

4. Heard the learned counsel for the parties at length and perused the record. In fact the applicant in the earlier original application 2420/89 did not claim any interest on the claimed amount which would be due on the grant of the relief of ad hoc promotion to Group 'B' post. In any case if the interest was not allowed the applicant should

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have sought review of that judgement dated 24.10.1991 for award of interest which the applicant has not done. Further the applicant has filed CCP before the Principal Bench in which the applicant has requested to draw contempt proceedings against the respondents and also claimed the payment of interest on account of the delay caused in making the payment of the due amount as a result of the decision in OA 2420/89. The matter came before the Principal Bench in CCP No. 329/92 and the request of the learned counsel for drawing contempt proceeding was disallowed and also the prayer for grant of interest was rejected by the order dated 1.3.1993. When the applicant has not been granted any interest, the applicant has no further cause of action because his grievance has been considered. The present application filed in August 1993, therefore, is not maintainable as the matter has already been decided in the CCP 329/92. The application, therefore, has no force and is devoid of merit and dismissed leaving the parties to bear their own costs.

J.P. Sharma

(J.P. Sharma)
Member (J)

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