

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA.No.870/93

Dated this the 21st of October 1994.  
Shri P.T. THIRUVENGADAM, Hon. Member 'A'.

(15)

Shri K.J. Krishna,  
S/o Shri Jagdish Sharan,  
R/o 83-B, Ashoka Enclave,  
Rohtak Road,  
Piragarhi,  
New Delhi 110 041.

...Applicant

By Advocate: Shri O.N. Moolri.

versus

Union of India through  
The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi 110 001.

...Respondents

By Advocate: Shri B.K. Aggarwal.

O R D E R (D E A L)

Shri P.T. THIRUVENGADAM

This OA has been filed by the applicant claiming that a number of payments due to him have not been paid. Hence, a direction has been sought for payment of the various items along with interest.

2. The details of various payments claimed are as under:-

I. SALARY FOR 18.4.1990:-

The applicant was compulsorily retired on this date but it is claimed that he worked till the fag end of the date of 18.4.90. This has not been disputed by the respondents who have made payment for the one day of 18.4.90 amounting to Rs.164/- on 15.9.93. It is the applicant's claim that this amount should have been paid to him in July, 1990 itself, when he was compulsorily retired. I agree that the payment for July, 1990 which was made for the period of 17 days upto 17.7.90 should have

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actually covered the last day of working, namely

18.4.90.

The contention of the respondents that the payment arranged in the year 1990 was remaining unpaid and fresh payment order had to be made subsequently cannot absolve the responsibility of the respondents to pay the amount correctly at the time of compulsory retirement. Hence, interest at the rate of 12% per year is awarded on the amount of Rs.164/- from 19.7.90 to 16.9.93 when this amount was finally paid.

#### II'a). RECOVERY FROM DCRG:-

An amount of Rs.2075/- has been recovered from DCRG towards court charges. It is admitted that the applicant had filed a case before the Bench of this Tribunal with regard to eviction from the quarter. Thereafter, the respondents filed an application before the Railway Magistrate. Ultimately the accommodation was regularised upto 18.1.92. In the circumstances, the recovery of Rs.2075/- as court charges from the applicant has been questioned. The respondents have not been able to produce any court order to this effect. On the other hand, it has been conceded in the reply that the record of the department is being looked into and if any deduction as alleged, has been made, the same would be paid to the applicant expeditiously. In the circumstances, the respondents are directed to refund the amount of Rs.2075/- to the applicant along with interest at the rate

of 12% per annum till the date of refund, deeming that this refund was due on 21.12.1992 when the issue regarding retention of quarter and the consequent payment was settled. (17)

II(b). The applicant has claimed an amount of Rs.262/- as rent for the period from 19.4.1990 to 30.4.1990 which is stated to have been recovered twice from him. He has drawn attention to the pay slip for the month of April 1990, as per which, full rent for the month was recovered. In addition, at the time of making final adjustment from DCRG vide Annexure A5 and A6 issued on 21.12.1992 and 25.1.1993 respectively, the rent for the same period was charged in second time. This contention has not been refuted by the respondents, who have stated that the record of the department would ~~be~~ again be looked into. Since a number of opportunities were given and no records to the contrary have been produced, the respondents are directed to release the amount of Rs.262/- along with interest at the rate of 12 % p.a. effective from 21.12.1992.

### III. LOYAL WORKER INCREMENT:-

This item was not pressed by the learned counsel for the applicant.

### IV. TRAVELLING ALLOWANCE FOR THE PERIOD FROM 25.3.1987 to 30.6.1987

The applicant claims that he submitted necessary bills but they were not counter signed or processed. He refers to reminders issued by him in the year 1988 and 1990. The respondents have averred that the applicant had not submitted

(8)

any TA bill for the alleged period. I do not propose to go into this claim considering that this OA is filed only in April 1993, ie. six years after the cause of action.

V. DUAL JOB ALLOWANCE FOR TWO SPELLS

(a) For the period from 1.4.1982 to 12.5.1982, the applicant was holding dual charge. This fact comes out of the office order dated 9.2.84 (Annexure A-14) where there is certification to this effect. The respondents have denied payment of dual charge allowance only on the plea that the recommendation of the head of the department was not granted. Since it is not disputed that the applicant had performed the duties of two posts, it will not be fair to deny him the benefit of dual charge as per the quantum allowable. Accordingly, I direct the respondents to pay dual charge to the applicant for the said period.

(b) The applicant claims that he discharged the duties of two posts for the period from 8.1.1988 to 28.5.1989. He has not been able to produce any office order by which he was asked to perform the dual functions. Hence the claim for this period cannot be entertained.

VI. INTEREST ON DELAYED PF PAYMENT:-

The applicant retired on 18.4.90 and the PF amount was paid to him on 30.11.91. It is his case that interest for the period from 30.4.1990 to 30.11.1991 has not been paid. It is however, the stand of the respondents that on being compulsorily retired on 18.4.90, the applicant filed OA.735/90, which was

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dismissed on 23.8.91. Only thereafter, the applicant submitted his pension papers to the respondents on 26.11.91 on completion of necessary formalities. G-96 papers were sent to the accounts department for arranging payment. There was no delay on the part of the respondents and hence no interest is liable to be paid to the applicant.

However, I note that Rule 920 of Indian Railway Establishment Code- Volume-I, reads as under:-

920 - Interest

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(2) provided that when the amount standing at the credit of the subscriber has become payable, interest thereon shall be credited in respect only of the period from the beginning of the current year, or from the date of deposit as the case may be, upto the date of tender of payment, or upto the end of sixth month after the month in which the amount became payable, whichever is earlier.

From a perusal of the above, the applicant should be allowed interest atleast for six months from the date on which the amount became payable. To deny interest even for this period on the plea that the applicant submitted the forms late is not fair. Accordingly, the respondents are directed to pay interest on the PF amount for a period of six months as per the extant quantum of interest.

VII. ARREARS OF PAY FIXATION CONSEQUENT TO THE IIIrd PAY COMMISSION RECOMMENDATION:-

This is a stale claim and has to be dismissed. The respondents have taken a stand that no payment is due to the applicant, which stand has been contested. The last letter from

20

the respondents seems to have been issued on 1.2.77 vide Annexure A-24 and the claim has to be rejected as being time barred.

VIII. ARREARAS OF PAY FIXATION AT Rs.880/- IN THE GRADE OF Rs.650-1200:-

It has been explained by the respondents that an error had been committed in fixing his pay in the year 1975. At the time when the applicant was promoted as Assistant Engineer his pay in the ex-cadre post was taken into consideration, which was not permissible as per the rules. On the error being detected, the pay was correctly fixed. This reply has been contested by the applicant but I note that the revision in pay was made in the year 1990. The learned counsel for the applicant argued that when such a revision was made, no show cause notice was served on the applicant. I do not propose to go into the merits of this argument since for the cause of action which arose in 1990, the OA has been filed only in April 1993. Hence this claim has to be rejected as time-barred.

3. The OA is disposed of with the direction as given against item numbers I,II, V(a) and VI. Payments ordered in these items should be arranged within a period of three months from the date of receipt of a copy of this order by the respondents. No costs.

P.T. THIRUVENGADAM  
21/07/94

(P.T. THIRUVENGADAM)  
MEMBER 'A'

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