

Reserved.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

....

Original Application No. 878 of 1996.

this the 15th day of June 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Lala Ram, S/o late Sri Halkoo Ram, R/o 107, Khosipura,
Jhansi.

Applicant.

By Advocate : Sri B. Tewari.

Versus.

1. Union of India through General Manager,
Central Railway, Bombay.
2. Senior Divisional Accounts Officer, Central
Railway, Jhansi.

Respondents.

By Advocate : Sri G.P. Agarwal.

O R D E R

Under challenge is the order dated 22.3.1996 passed by the Senior Divisional Accounts Officer, Central Railway, Jhansi (respondent no.2). By the said order, the applicant has been paid a sum of Rs. 1,14,203/- from 1.2.1979 to 1.4.1996 as arrears of pension. The application has been filed by the applicant under the following circumstances :

The applicant retired as T.T.E. on 31.1.1979. The applicant filed O.A. no. 700/88 before this Tribunal with the allegation that his claim for pensionary benefits has not been settled by the competent authority. The said O.A. was disposed of vide order dated 18.7.1989 with the direction to the DRM, Central Railway, Jhansi, to finalise the matter of pensionary benefits of the applicant within 60 days. It was also directed that

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the applicant would be at liberty to approach this Tribunal again, if he is not satisfied or no order is made by the respondents in accordance with the rules. The applicant thereafter, filed CCP no. 1159 of 1990 with the allegation that the respondent no.2 refused to obey the aforesaid order of the Tribunal. The said CCP was, however, rejected vide order dated 21.3.1991. It was, however, observed that the applicant still feels aggrieved, he was at liberty to approach this Tribunal with an original application according to rules, if so advised, because the respondents by speaking order rejected the claim of the applicant to the effect that under the extant rules the applicant was not entitled to any pension. The applicant, thereafter, approached this Tribunal and filed O.A. no. 66 of 1992 in which it was alleged that the applicant had exercised his option for the benefit under the pension scheme prior to the retirement. The said O.A. was disposed of vide order dated 14.8.92 with the following directions:

"Now two months further time is granted to the Railway administration to scrutinise the entire records and give a date of hearing to the applicant requiring him to produce the documents, if any, in support of his claim that he was opted for pensionary scheme. The date shall be a date within the period of two months from today and it is thereafter that the Railway Administration shall finalise the matter. In case they come to a conclusion after taking into account the documents produced by the applicant and their own file that no option was exercised, the application shall stand dismissed. Otherwise the benefit of his option shall be given to the applicant in accordance with the rules, provided the applicant refunds the benefit which he has taken under the P.F. Scheme."

2. The applicant again filed Contempt petition bearing no. 205/93 before this Tribunal, which was disposed of vide order dated 17.11.1995 and the relevant part of the order is as under :-

"In view of the foregoing, we have no manner of doubt that the applicant was entitled to be given the benefit of pension scheme and by not

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being allowed the same benefit, there is prima-facie dis-obedience to the direction of the Tribunal. We, however, grant three months time to the respondents to re-trace their steps and file a Supplementary affidavit indicating compliance of the orders of the Tribunal, failing which appropriate action would be taken."

3. Now the applicant has again approached this Tribunal in third round of litigation in which his grievance is that the respondents have not been paid any interest on the amount of pensionary benefits. On the contrary, the respondents have deducted 12% interest against a sum of Rs. 5610/-, which was paid to the applicant as P.F. amount. It is claimed that the applicant is entitled for payment of interest on the ground of delayed payment of pension and DCRG amounting to Rs. 7125/-
4. I have heard the learned counsel for the parties and have perused the pleadings on record.
5. The claim of the applicant has been resisted by the respondents on the ground that there is a justification on the part of the respondents to charge interest on the contribution amounting to Rs. 5610/- made by them towards P.F., which was utilised by the applicant. The applicant is also not entitled to any interest on gratuity and pension etc. on the ground of delayed payment, because the payments have been made on the direction of the Tribunal. The Tribunal had not issued any direction for payment of interest on the amount of DCRG and Pension.. The applicant had specifically claimed interest in the O.A., but the same was not allowed. The applicant had also filed a M.A. in the CCP, which was also not allowed.
6. The learned counsel for the applicant has placed reliance on the decision in the case of Smt. Chandra Kanta Tripathi Vs. Union of India & Others

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(1994) 1 UPLBEC 11 Trib.). The learned counsel for the applicant has invited attention towards para 4 of the aforesaid judgment in which it was observed that the applicant had filed O.A. for grant of pensionary benefits and also for issuance of complimentary passes. The Tribunal in its order/judgment passed an order relating only to the question of grant of pensionary benefits to the applicant and did not pass any order regarding issuance of complimentary passes. It was observed that the subsequent O.A. of the applicant for issuance of the complimentary passes cannot be rejected on the ground of res judicata because it was not possible for the Tribunal to grant the multiple reliefs. In the present case, in my considered opinion, the facts of the cited case are totally different and does not give any help to the applicant.

7. Having heard the parties counsel, I am satisfied that the applicant is not entitled for payment of interest on the amount of pensionary benefits, because the same was not allowed in the O.A. by this Tribunal and the claim of the applicant is hit by the principle of res judicata.

8. In view of the above, the O.A. has no merit and the same is dismissed. No costs.

Rat Juddh
MEMBER (J)

GIRISH/-