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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

CIRCUIT SITTING AT NAINITAL

THIS THE 25TH DAY OF OCTOBER, 2002

Original Application No. 129 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Vinod Ojha, son of Late Shri Shyam sunder  
(Retd.Assistant.Engineer)  
Western Railway, Kota, R/o 143, H.I.G Indrapuram  
General Mahadev Singh Road,  
Dehradun.

...Applicant

(By Adv: Shri M.C.Pant)

Versus

1. The Union of India through the  
Secretary, Ministry of Railways,  
Rail Bhawan, New Delhi.
2. The Chairman, Railway Board,  
New Delhi.
3. The General Manager(E),  
Western Railway, Church Gate,  
Bombay.
4. The Financial Advisor & Chief  
Accounts Officer, Western Railway,  
Churchgate, Bombay.
5. The Divisional Railway Manager,  
Western Railway, ~~XXXXXXXXXX~~  
~~XXXXXXXXXXXX~~ Kota, Rajasthan.

... Respondents

( By Adv: Shri Amit Sthalekar)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has  
prayed for a direction to the respondents to pay  
interest @ 18% for the delay in paying the retiral  
benefits to the applicant.



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From the facts stated in the application it is clear that applicant was serving as Assistant Engineer in Western Railway Group 'B' service. He was on deputation to Konak Railway Corporation Ltd w.e.f. 30.9.1991. On 1.6.1992 applicant made an application seeking voluntary retirement from service on expiry of the period of three months. This application of the applicant was accepted and the applicant was relieved w.e.f 31.8.1992 by order passed on 1.9.1992 and was directed to report the General Manager Railway Electrification Allahabad, U.P. However another order was passed on 14.9.1992 by the General Manager that Railway Electrification Organisation has not been authorised by Railway Board for acceptance of the application of the applicant seeking voluntary retirement and for finalisation of the settlement dues. Thus as the retirement tendered by the applicant was not accepted by the Competent Authority the matter was sent to appropriate authority which passed the order on 21.12.1992 accepting the retirement of the applicant w.e.f. 31.8.1992. The retiral benefits could not have been paid to the applicant as the voluntary retirement was not accepted by the Competent Authority. It is not the case of the applicant that the order passed on 1.9.1992 was by the competent authority. The payment of the retiral benefits could only be initiated after 21.12.1992. On his own showing the provident fund was paid to the applicant on 24.3.1993 i.e. within three months. The gratuity and commutation and leave encashment were paid on 12.8.1993 and 13.8.1993. The pension and arrears of pension were paid in October 1993. Thus the delay was only with regard to payment of gratuity and commutation, leave encashment, pension and arrears of pension but the delay is not very long or unusual for which it may be said that

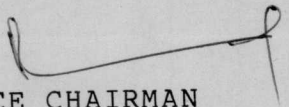


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the respondents have acted in an arbitrary manner. In the circumstances, the applicant is not entitled for any relief.

The OA is dismissed with no order as to costs.

  
VICE CHAIRMAN

Dated: 25th october, 2002

Uv/