

(Open Court)

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 19th day of March, 2001

C O R A M:- Hon'ble Mr. S. Dayal, Member- A.

Orginal Application No. 1297 of 1997

S.K. Nijamuddin S/o S.K. Rahamtullah  
R/o Sakaldiha. P.O. Sakaldiha. Distt. Varanasi.

.....Applicant

Counsel for the applicant:- Sri S.K. Dey  
Sri S.K. Mishra

V E R S U S

1. Union of India through the General Manager,  
E. Rly. Calcutta.

2. The Divisional Railway Manager, E. Rly. Danapur, Patna

.....Respondents

Counsel for the respondents:- Sri A.K. Gaur

O R D E R (Oral)

(By Hon'ble Mr. S. Dayal, Member- A.)

This application has been filed for a direction to the respondents to make payment of settlement dues, D.C.R.G, pension, leave salary and commuted value at the rate of his basic pay Rs. 1730+ D.A and refund of Rs.21,720/- which was illegally withheld out of his amount of D.C.R.G with interest of 18% per annum.

2. The facts narrated by the applicant are that he joined service in/railways on 09.03.57 and retired on 01.08.94 in the pay scale of Rs. 1400-2300 at the pay Rs. 1730/- P.M. It has been mentioned that the D.C.R.G Rs. 34056/- was passed

M

on 25.07.94 but he was paid only 12,336/- . The claims have in the OA been made/with regard to his monthly pension, leave Encashment and commuted value but the learned counsel for the applicant at the time of presenting the arguments of this case confined his relief to payment of D.C.R.G only.

3. Sri S.K. Dey, learned counsel for the applicant and Km. Renu Singh, proxy counsel to Sri A.K. Gaur, learned counsel for the respondents have been heard.

4. I find that the respondents have dealt with the claim of the applicant regarding payment on D.C.R.G in para- 15 of the C.A which is extracted bellow :-

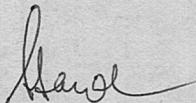
"That in reply to the contents of para 4.2 of the O.A it is stated that the total amount of Death Cum-Retirement Gratuity was Rs. 34,056/- out of which Rs. 20000/- was kept back for clearance of commercial debit and Rs. 1720/- was recoverd for RELHS as per rule hence the applicant was paid Rs. 12,336/- as Death Cum-Retirement Gratuity. On receipt of clearance for commercial debit Rs. 51/- was only recovered and rest amount of kept back has been released. "

5. Thus the respondents admit that they had withheld the amount on Rs. 20,000 on account of some commercial debit which was found to be Rs. 51/- and thereafter paid the remainder after recovering of Rs. 51/- from the withheld amount of gratuity. The applicant was due to be paid the amount of gratuity within two months of his retirement on 01.08.94. Thereafter, any delay in payment of recovery would entail the payment with interest on the part of the respondents to the applicant. The respondents in their counter reply filed on 08.04.99 have merely stated that

the applicant has been paid remainder of Rs. 20,000/- after deducting Rs. 51/- which was commercial dabit. They have not mentioned the date on which the payment was given to the applicant.

6. I, therefore, consider it appropriate to direct the respondents to pay the interest at the rate of 12% per annum on the delayed payment of gratuity from 01.10.94 till the date when the remainder of Rs. 20,000/- was paid to the applicant. This shall be complied within a period of three months from the date of receipt a copy of this order.

7. There will be no order as to costs.

  
Member-A.

/Anand/