

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 27th day of February, 2001

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

Original Application No. 1183 of 1998

G.K. Agrawal S/o Sri Hari Krishna Agarwal
a/a 64 years. R/o 232, Khajanchi Building,
Jhansi.

.....Applicant

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

V E R S U S

1. Union of India, through the General Manager,
Central Railway, Mumbai CST.
2. The Secretary, Railway Board, M/o Railways,
Govt. Of India, Rail Bhawan, Raisina Road,
New Delhi.

.....Respondents.

Counsel for the respondents:- Sri G.P. Agrawal

O R D E R (oral)

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

This application has been filed for direction
to the respondents to pay the interest at the rate of
18% per annum (compound/interest) from the date of retirement on
31.01.92 till date of payment of the withheld amount,

and damages are also sought from the Respondents along with heavy costs.

2. The case of the applicant is that his retirement dues were not paid on the date of his retirement on 30.01.92 and the Respondents illegally withheld the same and finalised the case of the applicant after more than six years and, therefore, he is entitled to receive 18% per annum compound interest on that amount from the date of retirement till date of payment.

3. I have heard Sri K.K. Mishra, learned counsel for the applicant and Sri G.P. Agrawal, learned counsel for the respondents.

4. Learned counsel for the applicant states that as per the written notice submitted to the respondents by the applicant the D.C.R.G. has been wrongly withheld. The applicant has further claimed that he should be granted compound interest w.e.f. his date of retirement and not w.e.f. the order of 1998.

5. The learned counsel for the respondents has contested the applicant's claim by mentioning that on account of departmental proceedings against the applicant, the entitlement did not arise w.e.f. 30.01.92. The orders of displeasure were passed on 9.7.97 & 21.1.98. The applicant was paid his dues regarding DCRG on 2.3.98.

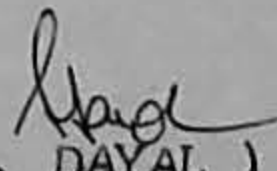
6. I have seen that interest at the rate of 12% was also paid on 21.1.99 in the reply filed by Respondents. It has been mentioned that applicant was involved in vigilance case at the time of retirement and was issued two memorandum of charges on 27.12.92 and 14.07.94 with

the sanction of the President of India. The departmental proceedings were completed against the applicant and he was communicated Government displeasure in both the cases against him. The applicant has raised the question of grant of interest on Commutation value of Rs.81,086/-. Since the applicant was communicated displeasure after being found at fault in both the cases on consideration of the report of the Enquiry Officer. He is clearly not entitled to any interest on commutation value of his pension.

7. As regards the question of calculation of commutation value with effect from 01.02.92, the date of superannuation was 1.2.92. The applicant is entitled to commute part of his pension as per rules with effect from that date. He has to be given the option for commutation of his pension from that date by the Respondents. The Respondents cannot postpone his date of commutation unilaterally. The applicant is said to have been paid pension for the period 1992 to 1998. The same may not be recovered from him on account of the option, if he was not given any choice.

8. Thus, the O.A. is disposed of with the direction to the respondents to give option to the applicant in terms set forth in the last paragraph ~~to have taken place~~ and pass orders to that effect within a period of three months from the date of receipt of a copy of this order.

9. There will be no order as to costs.


(S. DAYAL)
MEMBER (A)

Anand/-