



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No. 931/2019**

**Reserved on: 08.09.2021  
Pronounced on: 08.10.2021**

(Through Video Conferencing)

**Hon'ble Mr. Mohd. Jamshed, Member (A)**

Ashok Kumar Mohan,  
Aged about 61 years,  
S/o Sh. S.N. Sinha,  
Retired Station Superintendent  
From Northern Railway, Muradabad Division,  
R/o H.No. 17/420, C-Block, Gali No. 02,  
Laxman Vihar, Burari, New Delhi

... Applicant

(By Advocate : Mr. Yogesh Sharma)

**Versus**

1. Union of India, through  
The General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, Muradabad Division,  
Muradabad.

... Respondents

(By Advocate : Mr. V.S.R. Krishna and Mr. Krishan Kant Sharma)

**ORDER**

The applicant was working with Northern Railway as Station Superintendent and retired on 31.12.2017 on attaining the age of superannuation. It is submitted that vide order dated 16.03.2015, he was granted 3<sup>rd</sup> financial up-gradation w.e.f.05.05.2015 and his pay was accordingly revised from Rs. 13,980/- to Rs. 25,440/-. The applicant is aggrieved by the fact that although his pay has been correctly revised and retiral benefits have been accordingly granted to him, the arrears of difference of pay and allowances due to this re-fixation of pay from 2013 till his date of retirement have not been paid to him.

2. In this connection, he has made representation and also sought information under Right to Information (RTI) Act, 2005. In response to his RTI application, the applicant was advised by the respondents vide letter dated 03.10.2018 that due arrears of Rs. 1,70,608/- are in the process of being paid to him. It is further submitted that the applicant retired on 31.12.2017 and at the time of retirement, no disciplinary or criminal proceeding was pending against him and that the respondents illegally withheld the gratuity of the applicant and paid the same after a delay of one year. By filing the present OA, the applicant is seeking release of arrears of Rs. 1,70,608/- with 12% interest and also interest of 12% on the delayed payment of his gratuity.



3. The respondents have filed a counter affidavit stating that the applicant was issued a major penalty charge sheet on account of unauthorised occupation of railway quarter for the period 01.03.2012 to 30.06.2016. A disciplinary action was initiated for the same and the disciplinary authority awarded a punishment of reduction to lowest stage in same time scale of pay band for a period of two years with cumulative effect. On the appeal made by the applicant, the said punishment was reduced to reduction from the stage of Rs. 25,210/- to the stage of Rs.13,900/- in same time scale of pay band for a period of one year without postponing future increments. The applicant also filed a revision petition, which was rejected by the competent authority. It is also submitted that payment of arrears of Rs. 1,70,608/- has been made to the applicant during the pendency of the OA and thus the OA has become infructuous.

4. Heard Mr. Yogesh Sharma, learned counsel for the applicant and Mr. V.S.R. Krishna and Mr. Krishan Kant Sharma, learned counsel for the respondents, through video conferencing.

5. The applicant was granted 3<sup>rd</sup> financial upgradation which resulted in revision of his pay from Rs. 13,980/- to Rs. 25,440/-. Subsequently, prior to his retirement, the respondents vide order dated 21.11.2017 further revised and re-fixed the pay of the applicant from Rs. 68,000/- to Rs. 74,300/- and granted all the retiral benefits as per the revised pay. The applicant accepts the



same. It is, however, submitted by the applicant that his gratuity was released after one year of his retirement and arrears of difference of pay of Rs. 1,70,608/- have not yet been paid to him. A reference has been made in the OA about disciplinary proceeding against him in view of unauthorised occupation of railway quarter, which has been further clarified by the respondents in their counter reply. For unauthorised occupation of railway quarter, the applicant was issued a major penalty charge sheet and a punishment of reduction to lowest stage in same time scale of pay band for a period of two years with cumulative effect was awarded to him. On the appeal made by the applicant, the said punishment was reduced to reduction from the stage of Rs. 25,210/- to the stage of Rs.13,900/- in same time scale of pay band for a period of one year without postponing future increments. However, before retirement of the applicant, the said punishment was over. In view of the submissions made by the respondents in their counter affidavit regarding the arrears of pay due to the applicant of Rs. 1,70,608/- having been paid, the relief sought by him stands granted.

6. In view of the above mentioned, I do not find any merit in the applicant's claim for payment of any interest. The primary relief seeking payment of arrears of pay has already been

granted. This OA has thus become infructuous and the same is accordingly dismissed. There shall be no order as to costs.



**(Mohd. Jamshed)**  
**Member (A)**

*vinita/ankit*