

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 989 of 1988

(4)

Chandra Bali Applicants.

Versus

Union of India & others Respondents.

Hon'ble Mr. A.K.Sinha, J.M.

1. Chandra Bali, a retired Permanent Way Inspector (construction) Eastern Railway, Obra, Mirzapur, has prayed by filing this application under section 19 of Central Administrative Tribunal's Act 1985, for a direction on the respondents to release the payments of pension, commuted value of one third of pension, gratuity, leave salary, travelling allowance for January 1985 Rs.478/-, group insurance, provident fund contribution along with interest at the rate of 12 per cent per annum.

2. The case of the applicant is, that he was appointed ^{under} the respondents as Gang-Man and was transferred, in due course, ^{to} _{in} the Eastern Railway and was posted in Danapur division. He was discharging his duties to the satisfaction of his senior officers and his entire service career during the date of his retirement was spot less. He was also promoted on higher grade from time to time in different categories and ultimately was promoted to the post of Permanent Way Inspector (construction) at Obra, Mirzapur, in the year 1977, where

(2)

(5)

he remained incharge of the stores till the date of his retirement on 31.1.1985.

3. The case of the applicant is that the date of his retirement came to the notice of the District Engineer(construction) Daltonganj Eastern Railways, vide his letter dated 22.6.1984, he wrote to the respondents to arrange the reliever of the applicant and to settle the payment of the claimant whatever dues in the department in accordance with provisions of the Railway Board Rules and Circulars. In this connection the claimant has appended the photostat copy of the letter in question marked as Annexure-1.

4. It appears that the applicant vide his wireless message dated 25.1.1985 had also informed the respondents to arrange for his reliever forth-with vide Annexure-2. But inspite of the letter and wireless message afore mentioned the respondents did not appoint any reliever to take charge of the applicant on 31.1.1985, the date on which he was due to retire.

5. It further appears that the applicant vide wireless message dated 6.2.1985 and vide letter dated 16.2.1985 again made a request to the District Engineer and with a copy to the respondents to relieve him, but the respondents did not care to sent the reliever and to deliever the liability of the materials of the stores at Obra. The claimant thereafter, vide his

W

(3)

(6)

application dated 29.1.1985 and 4.4.1985 prayed the respondents for settlement of his final pension etc. but when they did not do so, he has prayed before this court for a direction for payment of his post retirement benefits together with interest at the rate of 12 per cent per annum.

6. The respondents appeared and filed their counter affidavit and stated that the applicant is not entitled to any interest on the post retirement benefits and the allegations made by the applicant is not correct.

7. It is stated interalia that the Chief Engineer (S&C) under whom the applicant Shri. Chandra Bali was working had issued a "no claim" certificate and has requested the Divisional Railway Manager, Eastern Railway Hawarah vide his letter No. CE/CON/E/688 dated 22.9.1989 and 26.9.1989 for the immediate payment of applicant's gratuity leave encashment commutation of pension etc. which are payable to him. A copy of the same has been annexed and marked as CA-1 and CA-2.

8. It was further stated that the entire dues payable to the applicant have already been arranged for the applicant by the office of the Divisional Railway Manager, Eastern Railways Hawarah after retaining an amount of Rs.7,623.90/- towards outstanding Railway dues as penal rent for occupying the Railway Quarters by the applicant

W

(4)

(7)

beyond the admissible period including arrears of electric bill vide Annexure CA-III. The applicant was informed to make correspondence with a district where he was last employed regarding his outstanding Travelling Allowance and ECCS claims, if any.

9. When the case was taken up for hearing nobody appeared on behalf of the applicant. The learned counsel for the respondents filed a letter dated Sep. 3, 1990 written by the Chief Engineer (S&C) of the Eastern Railway construction department to the learned counsel for the respondents Shri N.K.Verma who is appearing in this case and on the basis of that letter, the learned counsel submitted that the applicant has been paid the following amounts:

i)	P.F.	..	Rs. 23,403.00
ii)	Gratuity	..	Rs. 15,097.50
iii)	Leave Salary	..	Rs. 8,946.00
IV)	Group Insurance	..	Rs. 602.00
v)	Commutation of Pension	..	Rs. 16,470.00
vi)	After commutation Pension	Rs. 451.00 per Month	

10. The letter further shows that Rs. 7,623.90/- have been deducted on account of Quarters rent and electric charges which the applicant had kept under his occupation after retirement. On the basis of these averments, the learned counsel for the respondents submitted that all the

(5)

(2)

post retirement benefits have been paid to the applicant and, therefore, he has not appeared to contest his claim.

11. The learned counsel further submitted that the applicant is not entitled to claim any interest on the amount of his post retirement benefits because he didn't make over charge of the stores and even after his retirement he did not cooperate with the respondents regarding verification of the stores.

12. I am not impressed by these arguments of the learned counsel for the respondents because once the department has issued 'no claim' certificate in favour of Shri Chandra Bali, the applicant, it does not lie in their mouth to contend that he did not properly make over charge and did not cooperate with the department in stock verification of the store of which he was in-charge.

13. On the contrary, various correspondences produced by the applicant would show that no sooner his date of retirement was notified, he had been writing through letters and wireless messages to the departments concerned to sent ~~Y~~ liever to relieve him from his post. Therefore, it appears to me that there is no merit in the contention of the learned for the respondents to say that the applicant did not cooperate in making over charge of his post

(b)

(a)

to the respondents.

14. It is a settle law laid down by the Supreme Court reported in AIR 1985 Supreme Court Page 357 in (State of Kerala Vs M.Padmanabhan Nair) wherein their lordships have held that pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement, but have become, under the decisions of this court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment.

15. In that view of the matter, the applicant who retired on 31.1.1985 was entitled to the payment of his post retirement benefits consisting of pension gratuity etc. latest after two months of his retirement.

16. The learned counsel for the respondents could not furnish information before this court as to on what date the above retirement benefits consisting of pension, Provident fund, gratuity etc. were paid to the applicant. But the letter of the Chief Engineer (S&C) dated Sep. 3, 1990 addressed to the learned counsel for the respondents shows that the post retirement benefits have already been paid to the applicant.

(7) (P)

17. Be that as it may, - the applicant is entitled in the circumstances, to get interest on the amount received by him from the respondents towards his post retirement benefits for the period after two months of his retirement, till the date of payment at the rate of 12 per cent per annum and the respondents are directed to make the payment of interest on the amount already paid for the above period at the rate of 12 per cent per annum within two months from the receipt of this order

18. In the result this application is allowed.

However, there will be no order as to cost.

Adarsh Kumar Setha
22/1/93.
Member (J)

Allahabad Dated:

(jlw)