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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No; 536 of 1992

Shri Sudarshan Lal Applicants.

Versus

Union of India & ors.(NR) Respondents.

Hon'ble Mr. Maharaj Din, Member-J

This is an application under Section 19 of the Administrative Tribunal's Act 1985 seeking the relief for payment of amount of gratuity with interest @ 18 per cent per annum.

2. The applicant retired as Ticket Collector on 28.2.1989 at Bareilly Junction under Divisional Railway Manager, Northern Railway, Muradabad. It is stated that the amount of Death-Cum-Retirement Gratuity worth Rs. 26400/- was due to be paid to the applicant soon after his retirement, but the same was not paid to him. The part of the amount of DCRG was paid to the applicant after a ^{considerable} ~~substantial~~ delay and no interest was paid to him on the said amount. Hence the applicant has come up before this Tribunal for redress.

3. The respondents opposed the application inter alia on the ground that the applicant is not entitled to get interest on the amount of delayed payment of DCRG.

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4. I have heard the learned counsel for the respondents and perused the record.

5. Admittedly, the amount of DCRG was paid to the applicant after some delay. The part of the amounts of DCRG worth Rs. 21,400/- was paid to the applicant on 27.12.1990 and remaining part of the amount worth Rs. 5000/- was withheld but the same was also paid later on 11.1.1992. Thus, the entire amount of DCRG has been paid to the applicant.

6. The only point for consideration in this case remains whether the applicant is entitled to get interest on delayed payment of the amount of DCRG! It is not disputed that the delay in making payment of amount of DCRG was not caused due to any fault of the applicant, thus, the applicant is entitled to get the interest on the delayed payment of the amount of DCRG. The point for consideration further remains as to whether the applicant is entitled to get the interest on delayed payment of the amount of DCRG @ 18% or at some lower rate!

7. The learned counsel for the respondents has cited the Railway Board's letter No. F(E) III 79 PNI./15 dated 3.9.1979. According to this letter, on the suggestion of the staff in National Counsel, it was decided that the interest would be payable on the late payment of the amount of DCRG @ 5% per annum. So relying on this letter of the Railway

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Board, I am of the view that the applicant is entitled to get interest on delayed payment of the amount of DCRG @ 5% per annum.

8. In view of the discussions made above, the application is partly allowed and the respondents are directed to pay interest @ 5 % per annum on sum of Rs. 21,400/- from 28.4.1989 to 27.12.1989 and on Rs. 5000/- from 28.4.1989 to 11.1.1992 within a period of three months from the date of communication of this order.

9. There will be no order as to cost.

[Signature]
23.3.93
Member-J

Allahabad Dated: 23.3.1993

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