

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1337 of 1995

Allahabad this the 17th day of February, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Laxmi Narain S/o Late Sri Ganga Vishnu R/o Alinagar,
Gorakhpur City retired (on deemed retirement) as Sr.
Clerk from the Office of the Chief Commercial Supdt.
North Eastern Railway, Gorakhpur, where in the Railways
he was last posted....

Applicant

By Advocate Shri A.K. Sinha

Versus

1. Union of India through General Manager, North
Eastern Railway, Head Office, N.E. Railway,
Gorakhpur.
2. Chief Personnel Officer, North Eastern Railway,
Head Quarters Office, N.E. Rly. Gorakhpur.
3. Chief Accounts Officer, N.E. Rly. Head Quarters,
Office, N.E. Railway, Gorakhpur.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant has come up under Section
19 of the Administrative Tribunals Act, 1985, claiming
interest on delayed payment on his retiral benefits.

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2. As per applicant's case, the following amounts ^{as in paras 3&4} have been paid to him with inordinate delay and, therefore, he is entitled to get interest thereon. On the point of computation, he also claims that the same has been assessed after 7 years from the date when it should have been assessed and valued for payment.

3. Under head commutation, the applicant has claimed that his resignation was accepted on 21.5.1983 to be given effect from 31.3.1981 and, therefore, the commutation amount should have been calculated taking the age of the applicant as on 31.3.1981 but the pension has been commuted in the year 1988 and, therefore, its valuation has been lessened by 7 years time as the same ~~has~~ ^{was} calculated on the basis of age of retiring official at the time of fixation of commutation amount. The applicant has claimed this difference to be for a sum of Rs.4083/- and also claimed interest thereon.

4. Under head D.C.R.G., the applicant mentioned that he has been paid Rs.10602/- on 31.3.1988 and has also been paid Rs.6198/- as interest thereon, which has been paid in two instalments in the year 1992 and 1994. Therefore, he is entitled to further interest on this amount of Rs.6198/-, which has been paid as interest of delayed payment of D.C.R.G.

5. The applicant has also claimed interest on delayed payment of Provident Fund and Leave Encashment for which he claims that this amount ought to

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have been paid to him in the year 1981 but has been paid in the year 1985 and 1988 respectively.

6. The respondents have contested the case mainly on the ground that the applicant was remained respondents in regular service of the ~~applicant~~ upto 31.3.1978 and then he opted for, and relieved to join on deputation in H.F.C. Ltd., Barauni. When the applicant was absorbed in deputation post, he submitted his resignation from the respondents service on 28.4.1983, which was accepted on 21.5.1983 to be given effect from 31.3.1981. About the payments, it has been mentioned that the interest on delayed payment in respect of D.C.R.G. has already been calculated and not paid to the applicant, and he is entitled for any further interest on Provident Fund or pension or the commutation amount of the pension. About payment of leave encashment, there is mention in the counter-reply that, ⁵⁴⁴that for 84 days, the payment was made on 01.6.1988 and for another 50 days, it was paid on 07.2.1991 but it has been pleaded on behalf of the respondents that the applicant has already been paid his dues and the entitled interest thereon in the cases where there was delay of payment.

7. Heard, the learned counsel for the rival contesting parties and perused the record.

8. No doubt, the amount of encashment has been paid with delay for which the applicant is entitled for interest thereon and the applicant is, therefore, allowed to get interest at the rate of 12% to be

for 12% to be

of 12% to be calculated 3 months after the date of acceptance of resignation i.e. 21.5.1983.

9. Regarding gratuity, the applicant is claiming interest on the interest, which is declined ^{as} to be unreasonable claim and not supported by any provision of law on the point.

10. Regarding fixation of commutation amount and interest thereon, it is quite evident That the applicant submitted this paper on 10.10.1983 and office noting on this paper is dated 06.4.1988. There is no explanation from the side of the respondents for keeping this paper pending for more than 7 years, particularly when the applicant had ^{to} suffer its consequential effect in the calculation of commutation amount, which ^{reconsidered} ~~resided~~ by Rs.4083/-. The respondents are directed to reconsider this issue within 3 months from the date of communication of this order and get fixed the commutation amount and if any difference comes out, then to make payment thereof with 12% interest from the due date till the date of payment.

11. The O.A. is disposed of with the above observation. No order as to costs.

See margin

Member (J)

/M.M./