

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1243/1999

MONDAY, THIS THE 3RD DAY OF JUNE, 2002

HON'BLE MR. S. DAYAL .. MEMBER (A)

Suraj Narayan Mehrotra,  
aged bout 60 years,  
S/o Shri Jai Narayan Mehrotra,  
Retired Mail Driver,  
Central Railway, Jhansi,  
R/o Mehndi Bagh, Near Antia Tal,  
Jhansi. ....

Applicant

(By Advocate Shri R.G. Soni)

Versus

1. Union of India, through  
General Manager,  
Central Railway,  
Mumbai CST.

2. Financial Adviser &  
Chief Accounts Officer (Pension),  
Central Railway, Mumbai CST.

3. Divisional Railway Manager,  
Central Railway, Jhansi. ....

Respondents

(By Advocate Shri P. Mathur)

O R D E R - (ORAL)

This application has been filed for direction to the respondents to make payment of the outstanding settlement dues of the applicant as far as Gratuity and Commutation value of pension is concerned with 24% interest. The learned counsel also seeks payment of interest on delay in payment of Pension amount.

2. The case of the applicant is that he was superannuated from the post of Mail Driver on 31.8.1997, but, has not been paid Gratuity and Commutation value of Pension till the date of filing of the O.A. on 1.10.1999. It is also claimed that the pension was paid after 16 months on

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1.1.1999. No heed was paid to the request of the applicant to the payment of amount of Gratuity and Commutation value of Pension. The applicant also claims that he is entitled to 24% interest on outstanding amount.

3. Arguments of Shri R.G. Soni for the applicant and Shri P. Mathur for the respondents have been heard.

4. The learned counsel for the applicant has claimed that no inquiry could have been pursued against the applicant after his superannuation. He has claimed that the delay on the part of the respondents in payment of Gratuity, Commutation of Pension and arrears of Pension, etc., remains un-explained and therefore, the applicant is entitled to the said payment as well as interest thereof.

5. The learned counsel for the respondents states at Bar that the O.A. has become infructuous as the amount of Gratuity and Commutation value of Pension have already been paid. He also submits a copy of Senior Divisional Mechanical Engineer, Jhansi, who was the Disciplinary Authority, regarding the disciplinary cases against the applicant. The order reads as follows:

"The entire case has been gone through as available in records. In order to ensure natural justice sufficient opportunity was also given to Sh. Mehrotra to present his view point. However, Sh. Mehrotra did not turn up despite giving him a number of chances. Since due to non-availability of Sh. Mehrotra, the case was getting delayed, the case had to be finalised ex-parte to ensure release of payment to Sh. Mehrotra on the basis of available evidence, I come to the conclusion that Sh. Mehrotra is guilty of the charges against him.

However considering that -

- a) He has superannuated.
- b) His past service record prior to incident was satisfactory.
- c) His past service record after the above incident was also satisfactory.
- d) His family should not pay for the faults of his, and in order to ensure natural justice no punishment is being imposed on Sh. Mehrotra, even though he is found guilty of the charges against him."

6. The learned counsel for the applicant states that the applicant is still entitled to interest on delayed payment. I find that the applicant was subjected to disciplinary proceedings and was granted penalty of reduction to next lower time scale by order dated 26.9.1988. In appeal, the punishment was set aside and a direction was given to conduct de-novo inquiry after giving the applicant the charge sheet. It is claimed that the payment was not made because the charge sheet for major penalty was pending against the applicant. The applicant was given certain retiral benefits like provisional Pension, Provident Fund, leave salary, Productivity Linked Bonus and mileage. The proceedings for major penalty ended only on 3.4.2002, when a decision was taken to award no punishment to the applicant.

7. In the circumstances explained by the respondents, I find that the applicant is not entitled to any interest on arrears. In coming to this conclusion, I have also taken into account the fact that the O.A. was filed only in

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October, 1999 and was not pursued with any degree of interest by the applicant. It was dismissed in default on 19.10.2000 and restored on 20.4.2001 and was again dismissed on 21.1.2002 and restored today. Thus, the applicant is not found entitled to the relief sought. The O.A. is dismissed with no order as to costs.

*Abu*  
MEMBER (A)

psp.