

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 524 of 2002

Allahabad this the 8th day of May, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Chanddan Singh son of Late Bhawan Singh
R/o House No. . 55/244, Bhabha Nagar,
Sanigawa Road, Kanpur Nagar - 208 021.

.....Applicant.

(By Advocate : Sri P. Ojha)

Versus

1. The Union of India through
the General Manager, North Eastern Railway,
6 Gorakhpur.
2. The Divisional Railway Manager (Karmik)
North Eastern Railway,
Lucknow.

.....Respondents.

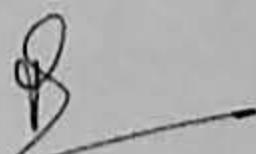
(By Advocate : Km.S. Srivastava)

O R D E R (Oral)

BY HON. MRS. MEERA . CHHIBBER, MEMBER(J)

By this O.A. applicant has sought the following
reliefs para 8 (Page 7) :

"(i) direct the respondents to pay the interest
accruing on the delayed payments of the dues paid
to the petitioner."

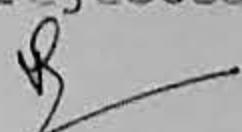


"(ii) direct the respondents to pay the interest on the amount of interest which remained unpaid between 31.8.1990 and 17.5.1998 and pay medical dues to the petitioner during the period abovesaid."

"(iii) to pass such other or further order as this court may deem fit and proper in the circumstances of the case."

"(iv) to award costs of the petition to the petitioner."

2. It is submitted by the applicant that he retired from service on 31.8.90 from the post of Assistant Driver in the scale of Rs.825-1200/-, but at the time of determination of his pension, his service~~s~~ conditions could not ~~have been~~ be taken into consideration. Subsequently the Railway Board vide their letter dated 19.2.1997 directed the respondents to prepare his pensionary benefits on the basis of treating him as Running staff, which was not to be taken as precedence. Thereafter, the applicant was issued revised PPO and from 1.4.1998 he was given revised pension (Annexure nos. 1,2 & 3). The applicant has submitted that due to mistake of the respondents, he had suffered mental agony as ~~such~~ he could not perform the marriage of his daughters and even his sons could not be given proper education. He was not given the interest on the pensionary benefits for the period from 31.8.90 to 17.5.98. According to him, the amount paid to him in the year 1997 amounting to Rs. 31850 will fetch Rs.52575/- interest + Rs.63470/- as the amount of interest on the arrears + Rs.99300 as the amount due @ 15% simple interest + 171220/- spent on mental treatment of the petitioner which lasted for four years. Being aggrieved, he even gave representations to the authorities in September & October '99 (Annexure 4 & 5). Thereafter, he ~~had~~ approached this Tribunal by filing O.A. no. 634 of 2000 which was decided on 28.6.2000 by directing the respondent no.2 to decide the applicant's representation dated 30.9.2000 within a period of three months from the date of communication of the order. Pursuant to the said direction, respondents have rejected the representation of



the applicant vide order dated 4.1.2001 (page 10). It is this order which has been impugned in the present O.A. and they have sought the relief as mentioned above.

3. The respondents on the other hand have submitted that no pensionary benefits were due to the petitioner prior to the issuance of the letter dated 19.5.97 and whatever ~~was~~ amount was due after the retirement, it was paid to ~~thereafter~~ the petitioner. ~~and~~ if he had been given any amount pursuant to the letter dated 19.5.97, he would not be entitled to any interest thereon. They have relied on para 87 of IREM (Annexure-2) to state that no interest is admissible if the Government's decision ^{is} taken subsequent to the retirement of a railway servant. They have further explained that the applicant was performing the duties of Diesel Rail Car Assistant, who were subsequently treated as running staff by the Railway Ministry. Therefore, the subsequent amount was ~~already~~ paid to him by treating him as member of the running staff. As far as his claim for mental illness is concerned, they have submitted that he was a railway employee and could use the facility in railway hospital. In any case, he has not annexed any document with this petition to show that he had made any such claim, nor has he explained from where he had taken the treatment. It is only a bald statement made by the applicant, which cannot be taken into consideration at all.

4. I have heard both the counsel and perused the pleadings as well.

5. Perusal of the O.A. does not show that the applicant was paid his pensionary benefits for the first time in the year 1998, but only shows that he was paid some difference of arrears in the year 1998, that too after the Railway Ministry had given their approval by treating him as a running staff as a result of which he became entitled to certain arrears. The respondents have explained that he had

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otherwise, throughout worked in non-running category and he was even given promotion in non-running category ^{but B} and since he had worked for some time in the running staff, the Railway ^{as B} Ministry ~~has~~ a one time measure, accepted his claim by the ^{B immediately thereafter B} letter dated 19.5.97 and the revised PPO was also issued on 18.12.97 and difference of arrears was also paid to him vide cheque dated December '97. ~~and~~ simply because the applicant was given some arrears on account of treating him as running staff, it does not mean that he was not given other retiral ^{which is} benefits. It was only an amount of Rs. 31730/- was paid in the year 1997, otherwise all the retiral benefits had already been paid to him, after his retirement in 1990. Therefore, it is not understood as to how he states that he could not marry off his daughters or could not give proper education to his son also. There is nothing on record to show that the applicant was suffering from any mental illness during this period. He has not even mentioned the ^{name of} disease from which he was suffering and from where he was taking treatment and ^{B even B} he has not submitted any bills in the present O.A, demanding any medical reimbursement, therefore, this case is absolutely mis-conceived and calls for no interference. Therefore, the O.A. is dismissed with no order as to costs.

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MEMBER (J)

GIRISH/-