

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 11th day of January, 2005.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. S. C. CHAUBE, A.M.

O.A. No. 1360 of 2003

Brij Kishore Joshi, son of Sri Bal Mukund Joshi, aged about 60 years, R/O 527-A/5-7, K.P. Kakkar Nagar, Dariyabad, Allahabad.....

.....Applicant.

Counsel for applicant : Sri S.S. Sharma.

Versus

1. Union of India through the General Manager, North Central Railway, Head Quarter Office, Allahabad.
2. The General Manager, North Central Railway, Head Quarter Office, Allahabad.
3. Divisional Railway Manager, Northern Railway, D.R.M. Office, Lucknow.
4. Deputy Chief Engineer Construction, North Central Railway Allahabad.....

.....Respondents.

Counsel for respondents : Sri P. Mathur.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri S.S. Sharma, learned counsel for applicant and Sri A.K. Dave, holding brief of Sri P. Mathur, learned counsel for respondents and perused the pleadings.

2. The applicant, a retired Railway employee, has instituted the instant O.A. for the following reliefs :-

- "a) That the Hon'ble Tribunal may graciously be pleased to direct the Deputy Chief Engineer Construction, North Central Railway, Allahabad (Respondent No.3) not to reduce basic pay of the applicant from Rs.6500 in grade of Rs. 4500-7000 for making payment of settlement dues to the applicant.
- b) That the Hon'ble Tribunal may graciously be pleased to direct the Divisional Railway Manager, Northern Railway, Lucknow to make payment of all settlement dues to the applicant i.e. pension, commutation of pension, gratuity, leave encashment etc. on the basis of pay of



Rs.6500 in grade of Rs.4500-7000 which the applicant was drawing at the time of his retirement on 31.7.2003.

- c) That the Hon'ble Tribunal may graciously be pleased to direct the Respondents to pay the interest at the rate of 18% per annum compound and annually on the delayed payment of settlement dues to the applicant from the date the applicant is due i.e. 31.7.2003 to the date the payment is actually made to him.
- d) That the Hon'ble Tribunal may graciously be pleased to take strict action against the Officer concerned taking such illegal and arbitrary action in this matter resulting heavy recurring financial loss and mental tension to the applicant alongwith his family members."

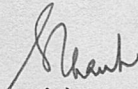
3. Sri S.S. Sharma, learned counsel appearing for the applicant states at the bar that the reliefs(a)and (b) have already been granted to the applicant during the pendency of this O.A. and the only relief now survives is the claim for interest on delayed payment of settlement dues. Rule 87 of the Railway Service (Pension) Rule, 1993 provides that if the payment of gratuity has been authorised after three months from the date when its payment became due on superannuation and it is clearly established that the delay in payment was attributable to administrative lapse, interest at such rate as may be specified from time to time by the Central Government in this behalf on the amount of gratuity in respect of the period beyond three months shall be paid. According to Rule 87(1) the interest will be payable provided the delay in the payment was not caused due to the administrative lapse to comply with the procedure laid down in Chapter VII of the Rules. We are, therefore, of the view that it would meet the ends of justice if the O.A. is disposed of with a direction to the respondents that in case applicant files a representation staking his claim for interest on delayed payment of gratuity and other retiral benefits, the competent authority shall look into the

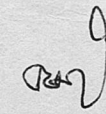


grievance of the applicant by means of a reasoned and speaking order within a period of three months from the date of receipt of the representation along with a copy of this order.

4. The O.A. is disposed of in terms of the above direction.

No order as to costs.


A.M.


V.C.

Asthana/