

Open Court.

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.**

ORIGINAL APPLICATION NO. 166 OF 2003

THIS THE 3rd DAY OF March, 2005.

HON'BLE MR. K.B.S. RAJAN, MEMBER(J)

Swami Nath Tripathi,
S/o Late Gayadin Tripathi,
Aged about 62 years,
Village Bairahana P.O. Janghari Bazar,
District Allahabad.Applicant.

By Advocate: Sri S.S. Sharma

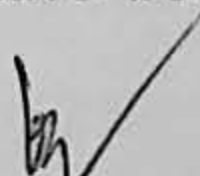
Versus

1. Union of India, through the General Manager
Northern Railway, Headquarters office, Baroda
House, New Delhi.
2. The Financial Advisor & Chief Accounts Officer,
Northern Railway, Baroda House, New Delhi.
3. The Deputy Chief Engineer/Track Supply, Northern
Railway, Headquarters Office, Baroda House, New
Delhi.Respondents.

By Advocate: Sri P. Mathur.

O R D E R (ORAL)

In this case, the claim of the petitioner is payment of terminal benefits, which has been, according to the learned counsel for the applicant, unduly delayed on the ground that the records are not available. The learned counsel for the applicant submits that the rules are very specific that before an employee superannuates, the department should ensure the availability of all the records six months before the date of superannuation. On this ground, the learned counsel for the applicant submits that the applicant is entitled to interest on delayed payments. It has been admitted by the learned counsel for the applicant that all terminal benefits have been received by the applicant.



2. As all the payments have been received, substantially, the O.A. has become infructuous. As regards, interest part, it is to be noted that there was a genuine reason on the part of the respondents in not being able to make the payment of terminal benefits on time, as the service particulars of the applicant anterior to 1992 were not readily available and the entire records were to be reconstructed. If the averment of the respondents in the Counter that a number of letters were written to the applicant, impressing upon him about the need to have the details of his earlier service is taken into account, then contributory negligence is to be fastened upon the applicant as well. As such, save interest as per the rules on the subject, no penal interest is leviable. Respondents are, therefore, directed to consider payment of interest as per law in respect of the delayed payment. Nevertheless, the applicant, a superannuated officer, had been forced to knock at the doors of the Tribunal. Hence, he does deserve cost payable by the respondent, and the same is quantified as Rs. 5,000/-. This amount and the element of interest, as stated above, be paid within a period of three months from the date of receipt of certified copy of this order.



MEMBER (J)

GIRISH/-