

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

ORIGINAL APPLICATION NO.299 of 2003

Allahabad, this the 2nd day of February, 2009.

Hon'ble Mr. A.K. Gaur, Member-J

J.P. Maurya (Retired) Section Engineer, (I.Q.W.) R/o House No.351-A, Mohallah Adarsh Nagar, behind Almunium Factory, Gorakhpur U.P.

...Applicant.

By Advocate: Shri I. M. Kushwaha

Versus

1. Union of India through General Manager (Personal) N.E. Railway, Gorakhpur (U.P.).
2. Senior Divisional (Personnel) Officer/ E.R.M. N.E. Railway, Varanasi, U.P.
3. Divisional Account Officer, D.R.M. Office, N.E. Railway, Varanasi.

...Respondents.

By Advocate : Shri K.P. Singh

O R D E R

The applicant has earlier filed OA No.1501 of 1998, which was disposed of on 2.7.2001. Inspite of the judgment and order of this Tribunal, the respondents passed order dated 10.12.2001 deciding the representation of the applicant. Being aggrieved by the order of the competent authority dated 10.12.2001, the applicant filed this OA and submitted that the respondents have wrongly deducted the amount of Rs.29,747/- from the arrears of the applicant without show cause notice. The respondents did not pay the

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interest @ 18% on the amount of Rs.3,15,266/-. The grievance of the applicant is that no interest was paid to the applicant on 27.4.1998 in fact these amounts should have been paid to him on 1.7.1997. Learned counsel for the applicant submitted that the respondents have arbitrarily not paid the amount of interest. It has also been contended that this Tribunal had directed the respondents to pay arrears with interest in accordance with the rules. Learned counsel for the applicant also invited my attention to the order dated 9.7.2007 of this Tribunal, wherein counsel for the applicant was directed to give the names of component and the date from which it had fallen due and the date on which it was paid. The entire matter is very confusing. The applicant is also claiming interest @ 18% on the entire dues from the date of retirement. In these circumstances, the applicant was directed to file an application stating therein the details of entire dues. It is also alleged that no objection certificate was issued by the respondents after a long delay. Learned counsel for the applicant also invited my attention to the Misc. Application No.640/08, supported by an affidavit, wherein it is submitted that after retirement of the applicant some amount has been paid and some has not been paid till today. The details of paid amount and not paid amount have been filed as Annexure-1, claiming 18% interest. According to the applicant a sum of Rs.2,73,926 has not been paid to the

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applicant with interest till today. The respondents have paid only Rs.7,64,587/- instead of 10,92,615/-. Learned counsel for the applicant submitted that he has filed a detailed chart indicating the amount which is paid or not paid and prayed that his case may be considered and final order be passed in the light of chart given by him as Annexure-1 to the affidavit alongwith Misc. Application No.640/08.

2. Having heard the parties counsel, I hereby direct the competent authority i.e. respondent No.2 to consider and pass appropriate reasoned and speaking order taking into account the averments made in Misc. Application and Chart annexed thereto as Annexure-1, within a period of three months from the date of receipt of copy of this order.

3. With the above direction, the OA stands disposed of. No costs.

Am J
Member-J

RKM/