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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.203 OF 2005

ALLAHABAD THIS THE 6TH DAY OF NOVEMBER 2008

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J

Smt. Kamaljeet Kumar @ Kuldeep Kaur,
W/o Late Sri Raghubir Singh,
R/o 249/2 Babupurwa Colony, Kanpur Nagar,
District-Kanpur Nagar.

.Applicant

By Advocate : Shri Vinod Kumar

Versus

1. Union of India, through General Manager,
North Central Railway, Allahabad.
2. Divisional Railway Manager,
North Central Railway, Allahabad.
3. Station Master, Kanpur Railway Station
Kanpur, North Central Railway, Kanpur.

. Respondents

By Advocate : Shri P.N. Rai

ORDER

1. Heard Shri Vinod Kumar Advocate, on behalf of the Applicant and Shri P.N. Rai Advocate/Standing Counsel (Railways), on behalf of the respondents.

2. In the present OA the applicant has claimed following reliefs:-

"i)to issue writ, or order in the nature of mandamus directing the respondent to pay the interest of the market @ 13% per annum, on delay payment of her husband's settlement dues.

ii)to pass any other or further order as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case".



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2. In view of the above relief it is clear that applicant has already received terminal benefits and there are no dues as such outstanding against the respondents. Learned counsel for the applicant submits his claim is confined to payment of interest in view of delayed payment.

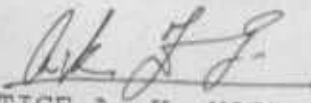
3. Perusal of Tribunal order dated 09.02.1996 (Kamaljeet Kaur alias Kuldeep kaur Versus Union of India and Others indicates that payment was delayed initially for the reason because of confusion over the issue on the identity of the applicant as indicated in the said order of the Tribunal. This order ~~shows~~^{Qn} shows that applicant had approached Civil Court Kanpur City, also. The representation of the applicant dated 16.09.2003 (Annexure-4 to the OA) further shows that in OA No.544/95 some ~~petition~~^{objection} was made by the Brother-in-law (younger brother of the husband of the applicant). As a consequence of which the order of the Tribunal (directing payment to the applicant) was got stayed and finally the same was vacated vide order dated 09.02.1996.

4. In view of the above, it cannot be said that respondent department has deliberately withheld the payment with any malice. The applicant has not referred any Rule under which he is entitled for the interest in the instant case.

By

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5. In view of the above, I find no merit in the OA,
it is accordingly dismissed. No Costs.


(JUSTICE A. K. YOG)
Member-J

/ns/