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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.280 OF 1996
Cuttack this the 11th day of September, 1998

(PRONOUNCED IN THE OPEN COURT)

M.Kailasa Rao

Applicant(s)

-Versus-

Union of India & Others

Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes .
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No

(G.NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
SOMNATH SOM
VICE-CHAIRMAN
11/9/98

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.280 OF 1996
Cuttack this the 11th day of September, 1998

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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M.Kailasa Rao,
S/o.Late Rama Murty,
aged 59 years,
Retired Depot Store Keeper, S.E.Rly.,
Residing at Door No.38-31-34,
Green Gardens, Marripalem
Visakhapatnam

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Applicant

By the Advocates: M/s.Y.Subramaniyam,
P.K.Chand

-Versus-

1. Chief Administrative Officer(Project)
S.E.Rly., Chandrasekhapur
Bhubaneswar (Orissa)
2. Senior Project Manager-II
S.E.Rly., Visakhapatnam
3. Chief Project Manager,
S.E.Rly., Visakhapatnam
4. Deputy Controller of Stores(Con) II
S.E.Rly., Bhubaneswar (Orissa)
5. Asst. Controller of Stores(Con)
S.E.Rly., Visakhapatnam

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Respondents

S. Jam. By the Advocates: M/s.D.N. Mishra
S.K.Panda

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to respondents to finalize the disciplinary proceeding against him as expeditiously as possible within a date to be fixed by the Tribunal. There is also a prayer for a direction to respondents to release commuted value of pension and leave salary which are not connected with the outcome of the disciplinary proceedings. He has also asked for interest on delayed payment.

2. We have heard Shri P.K.Chand, learned counsel for the applicant and Shri D.N.Mishra, learned Standing Counsel appearing on behalf of the respondents and have perused the record.

The learned counsel for the petitioner has submitted that the disciplinary proceeding has in the meantime been completed and with the advice of U.P.S.C. and approval of the President monthly pension of the petitioner has been reduced by 25 per cent for a period of two years. In view of this the first prayer of the petitioner has already become infructuous. So far as second prayer relating to payment of retiral benefits is concerned, in order dated 11.4.1997/ respondents were directed to pay to the petitioner ^{and 5.12.1997} _{75% of the} leave encashment salary within a period of two months. Accordingly this amount has already been paid as has been submitted by the learned counsel for the petitioner. In view of completion of the disciplinary proceedings the respondents are directed to

J. Som.

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pay other retiral benefits to the petitioner strictly in accordance with rules within a period of 60 days from the date of receipt of copy of this order.

3. In the Original Application the petitioner has asked for interest on delayed payment. In this case the petitioner has retired from service with effect from 1.7.1995 and his retiral benefits had been withheld for all these years even though he was in receipt of provisional pension. As in this case disciplinary proceedings were pending against him at the conclusion of which a punishment has been imposed on him, we do not think that the departmental authorities were ~~not~~ in a position to release the gratuity and final pension under the relevant rules and as such no case for payment of interest on delayed payment has been made out by the petitioner, but in view of the delay of all these years in releasing leave salary, gratuity and final pension, it is ordered that these amounts should be paid to the petitioner within a period of 60 days from the date of receipt of copy of this order, strictly in accordance with rules and in case payment is delayed beyond the above period, then interest at the rate of 12% should be paid to the petitioner till the date of actual payment.

4. With the above direction Original Application is disposed of. No costs.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

B.K.SAHOO

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
1998