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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 620 OF 1998.

Cuttack, this the 1st day of October, 1999.

KHAGESWAR ROUT.

....

APPLICANT.

VRS.

UNION OF INDIA & OTHERS.

....

RESPONDENTS.

FOR INSTRUCTIONS

1. whether it be referred to the 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

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 620 OF 1998.  
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CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL) .

..

Khageswar Rout, aged about 59 years,  
S/o. late Bauri Rout of village-  
Mahadia, Po. Belapada, Dist. Dhenkanal,  
retired mate of Gang No. 42-A, under  
PWI, Cuttack.

... Applicant.

By legal practitioner: M/s. S. Mishra, N. R. Routray, U. K. Bhatt,  
Advocates.

-Versus-

1. Union of India represented through its  
General Manager, SE Railway, Garden Reach,  
Calcutta-43.
2. Divisional Railway Manager, SE Railway,  
Khurda Road,
3. Senior D. E. N, SE Railway, Khurda Road,
4. Senior D. P. O., SE Railway, Khurda Road,
5. Assistant Engineer, Central SE Railway,  
Cuttack.
6. The Superintendent of police, CBI,  
Bhubaneswar, Dist. Khurda.

... Respondents.

By legal practitioner: M/s. S. Roy, A. A. Khan, Additional Standing  
Counsel .

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, applicant who retired on superannuation as a Gangman on 30-11-1997, has prayed for a direction to the Respondents to pay him the retirement benefits as also interest at the rate of 12% per annum on such delayed payment.

2. Respondents have filed counter and opposed the prayer of applicant. We have heard Mr. N. R. Routray, learned Counsel for the Applicant and Mr. S. Roy, learned Additional Standing Counsel appearing for the Respondents and have also perused the records. It is submitted by learned counsel for the applicant that after filing of this Original Application, he has received all retirement benefits and his prayer is confined only to payment of interest at the rate of 12% per annum, claimed by him on such retiral benefits.

3. Respondents, in their counter have stated that the applicant was involved in a Complaint Case which was enquired into by the CBI <sup>who</sup> ~~but~~ recommended initiation of disciplinary proceeding. As Disciplinary Proceeding was initiated and service records of applicant were with the CBI, his pension and other retiral dues could not be settled immediately after the superannuation of applicant on 30.11.97 but subsequently in order dated 7.6.99, payments have been

S. Som.

made and nothing remains to be paid to the applicant. It is submitted by learned counsel for petitioner that actually all the payments have been received by him on 9.8.1999. Prayer of applicant for payment of interest is being examined in the context of the above facts and the claim of interest in respect of different items is discussed separately.

4. Respondents have stated in the counter that an amount of Rs.10,524/- being the GPF amount was passed for payment on 29.11.1997 but actually payment of this amount was made according to the petitioner on 9.8.1999.. Irrespective of pendency of disciplinary proceeding or Criminal case, against the applicant, the Departmental Authorities could not have lawfully delayed payment of the GPF amount to the applicant. In consideration of this, it is directed that on the amount of GPF paid to the applicant, Respondents should pay interest at the rate of 12% per annum from the date of retirement of the applicant till the end of the previous day on which date, payment has actually be received by applicant. We also make it clear that in case the Respondents have already allowed interest at the rate of 12% per annum in any period, after the date of superannuation of applicant, then the same should be adjusted out of the amount ordered to be paid by us.

*J. Som.*

5. As regards, the CGEGIS amount of Rs. 7,499/- normally payment of this amount takes some time as this can be processed only after superannuation of the concerned

employee. In view of this, we allow the Railways the period upto 31.3.1998 and allow interest at the rate of 12% per annum w.e.f. 1.4.1998 till the end of the month previous to the month on which this amount has been received by applicant. This prayer is disposed of accordingly.

6. As regards pension, it is submitted by the learned Additional Standing Counsel that because of the Disciplinary proceeding pending, payment of pension was delayed. We note that in this case, applicant has stated in his petition and this has not been denied by the Respondents in their counter that after his superannuation no payment of provisional pension was made to him. Even during the pendency of the Departmental or Disciplinary proceeding, provisional pension is due to be paid to further it is submitted by the learned counsel for the petitioner that on the date of superannuation, no disciplinary proceeding was pending against him. Departmental proceeding ended with punishment of denial of complimentary pass for four years in order dated 15.11.1997 at Annexure-2. In view of this, since by the time the applicant superannuated the disciplinary proceeding has already been concluded, the Departmental Authorities should not have delayed payment of pension to the applicant. But in this case applicant was involved in a Disciplinary proceeding and his service records were with the CBI. We allow interest from 1.4.1998 on the arrear pension amount till the pension was sanctioned and the first month's pension was received by the applicant. In this case also interest at the rate of

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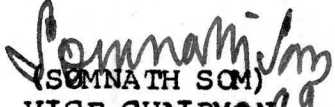
12% per annum should be calculated from the 1st April, 1998 till the last day of the preceding month on which applicant has received the first month's regular pension.

7. On the same ground on the amount of DCRG as also leave salary and commuted value of pension, interest at the rate of 12% should be allowed by the Respondents from 1.4.1998 till the last day of the preceding month on which month this amounts have been received by applicant. We make it clear that while calculating the above amount, interest, if any already allowed by the Respondents, at the rate of 12% per annum should be adjusted.

8. The above amount should be calculated and paid to the applicant within a period of 90 (ninety) days from the date of receipt of a copy of this order.

9. With the above observations and directions, the Original Application is disposed of but under the circumstances, without any order as to costs.

  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

  
(SUMNATH SOM)  
VICE-CHAIRMAN  
1.10.99

KNM/CM.