

10 O.A. 201/01

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 07.07.04

Heard Mr. B. Mohanty-1 Ld. Counsel appearing for the applicant and Ms. S.L. Pattnaik Ld. Counsel appearing for the Respondents. This O.A. has been filed by Smt. Sukumari Swain wife of late Surya <sup>2</sup> Surendra Swain praying for a direction to be issued to the Respondents to make payment of DCRG along with interest with effect from the date following the death of her husband on 17.02.99.

2. The facts of the case are not disputed by the Respondents. The Respondents have however pointed out that the delay in disbursement of DCRG was occurred on account of non-vacation of staff quarters by the applicant that was allotted to the deceased Railway servant. The said quarter was vacated only on 02.08.99. However, the Respondents have also admitted that the payment of DCRG was made only on 11.06.2003.

3. In the face of these admitted facts that the payment of DCRG was delayed by about 4 years after the vacation of the quarters by the family of the deceased, the Respondents are <sup>eligible</sup> to pay interest on the DCRG amount to the family of the deceased Railway servant. Such provision having existed in the standing order of the Respondents Department this should have been applied in the ordinary course by the Respondents

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Or. dt. 07.07.04

Copies of order  
prepared for  
Counsel for  
both sides.

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SD (H)*

themselves which in effect would have saved the agony of the applicant in knocking at the door of the court to receive justice.

4. Be that it may, I hereby direct the Respondent to pay interest @ 12% per annum for the period the Respondents had delayed the payment of DCRG to the applicant i.e. with effect from 03.08.99 to 31.05.03 i.e. till the month preceding the month when payment was actually affected by the Respondents.

This O.A. is accordingly disposed of. No costs.

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Vice-Chairman (H)