

O.A.No.320 of 2001

ORDER DATED 07-08-2002.

Heard Mr.S.B.Das, Learned Counsel for the Applicant and Mr.C.R.Mishra, learned Additional Standing Counsel appearing for the Railways/Respondents.

In this case, the Applicant claimed the following reliefs:

1. The Death-Cum-Retirement gratuity which have already been released be revised and compensation be paid with interest @ 18% per annum from 15-7-1996;
2. Pension should be revised and it may be fixed from 1-7-1996 according to the pay fixation Rules;
3. The commuted value of pension which he has surrendered and has been accepted by his authority be revised and the amount should be recomputed alongwith interest thereof from 1-7-1996;
4. Un-utilised leave salary which has been released be recalculated and revised and the same may be paid with interest.
5. The fitment allowance may kindly be revised on the basis of 5th pay Commission report and the same may be paid immediately alongwith interest.
6. The payment of overtime dues for the period from 5-8-1998 to 15-11-1988 may kindly be paid with interest and cost for 12 years delay of such payment;
7. The scale of pay of applicant may kindly be revised with effect from 1.1.1996 with increments under the Time Bound Advancement of scale of pay as stated above and his post retirement benefits may be fixed settled and revised accordingly.

Today, at the hearing, learned Counsel for the Applicant and Learned ASC for the Respondents disclosed that all claims except the claim relating to OT have

been released in favour of the Applicant, during the pendency of this Original Application.

It has been submitted by learned Counsel for the Applicant Mr. Das that delay in releasing the dues of the Applicant being attributable to the Railways/ Respondents, the Respondents should compensate the Applicant by paying interest on the amount paid late.

Having heard learned counsel for both sides, I am satisfied that the delay in making the payment to the Applicant is definitely attributable to the Railways/ Respondents and, therefore, interest at the rate of 10% per annum on the arrears paid to the applicant should be paid to the applicant within a period of 90 (ninety) days from now.

So far as the OT claims is concerned, liberty is hereby granted to the Applicant to make a consolidated representation giving all details to the Respondents within a period of 15 days from now and in the event such a representation is filed by the applicant, the Respondents/Railways should cause a detailed investigation into the claims and pay him (applicant) all his OT dues as admissible under Rules, within a period of 90 (ninety) days thereafter.

With the above observations and directions, this Original Application is disposed of. No costs.

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 07/08/2002

KNM/CM.