

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH

O.A.NO. 646 OF 2001
Cuttack, this the 12th day of February, 2004

Dinabandhu Mania Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? NO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? NO


(B.N. SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

Dinabandhu Mania, aged about 35 years, son of late Linga @ Lingaraj Mania, RG-Token Porter, Sadasivapur Railway Station, At/PO Barlapur, Dist.Dhenkanal Applicant

Vrs.

1. Union of India, represented through General Manager, South Eastern Railway, Garden Reach, Kolkata, West Bengal.
2. Senior Divisional Personnel Officer, Khurda Road Division, South Eastern Railway, At/PO Jatni, Dist. Khurda.
3. Divisional Railway manager, Khurda Road Division, South Eastern Railway, At/PO Jatni, Dist.Khurda.
4. Assistant Engineer (South), South Eastern Railway, Khurda Road Division, At/PO Jatni, Dist.Khurda.
5. Inspector of Works, Balugaon, South Eastern Railway, At/PO Balugaon, Dist.Khurda.

..... Respondents

Advocates for the applicant - M/s B.Mohanty-I
S.Patro, P.K.Majhee,
A.Panda.

Advocate for the Respondents - Mr.D.N.Mishra

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O R D E R

Shri B.N.Som, Vice-Chairman

Shri Dinabandhu Mania, son of Linga @ Lingaraj Mania, who was a Token Porter at Sadasivapur Railway Station, has filed this Original Application, being aggrieved at the delay caused by the Respondents in

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payment of gratuity and leave salary due to his late father, praying for the following reliefs:

- a) Direct the Respondents to pay leave salary and gratuity due to the deceased Railway servant with interest at the rate of 18% per annum; and
- b) To direct the Respondents to fix responsibility on the officials who caused delay in payment of the dues to the applicant.

2. The admitted facts of the case are that the applicant's father died in harness on 31.3.1997 and upon receipt of information of death along with death certificate, the matter was notified on 13.6.1997 by the Respondents. However, due to some discrepancy noticed in the service records, the claim of his legal heir for payment of retirement of the retirement benefits could only take place in March 2002 and finally the Respondent sanctioned an amount Rs.54,372/- after recovering the Railway dues on 10.5.2002. The amount of leave salary of Rs.24,840/- was also paid on 11.5.2002 to the applicant who was the only legal heir. However, as the applicant had crossed the age of 25 years at the time of death of the ex-employee, he was not entitled to family pension and hence no family pension was sanctioned.

3. The learned counsel for the applicant admitted that the payments due to the applicant have already been received, but those were received five years after the death of father of the applicant and for this delay, he is entitled to receive interest on the amounts paid to him after gap of so many years. Shri



D.N.Mishra, the learned counsel for the Railways, submitted that as per the standing orders of the Railways, interest is automatically payable on the DCRG amount, if the same amount is not paid within three months of the retirement of the Railway servant. However, he did not have instructions readily available with him from the Respondents to clarify the point whether the amount of gratuity of Rs.54,372/- paid was inclusive of the interest payable on the amount due. Having regard to the prayer of the applicant and the submissions made by the Respondents, I find that the delay of five years in settling the retiral benefits to the legal heir of the deceased Railway servant was made without any valid reason and in any case a delay of five years can hardly be condoned. I, therefore, hereby direct the Respondents to pay interest as due and admissible on the amount of DCRG payable to the applicant at the rate fixed by the Respondent-Department under the rules and also pay interest on the amount of leave salary at the rate of 9% payable on account of deposits under the GPF Rules to the Railway servants. I also direct the Respondents to fix responsibility on the concerned officials and officers for such inordinate delay in finalising the matter and realise the amount of interest that would be payable to the applicant on account of delay in settlement. I hope and trust that such an action would create necessary consciousness among the concerned officers in the personnel and finance branches of the Respondent-Department to discharge their duties sincerely and efficiently.

4. Accordingly, this Original Application is allowed with the above directions. No costs.



(B.N.SOM)
VICE-CHAIRMAN

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