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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.545 OF 2005
Cuttack, this the 08th Day of October, 2007

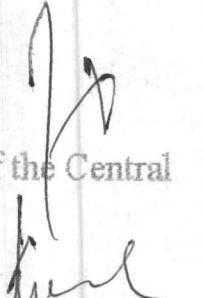
Smt. Bhadari Behera Applicant

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?


(KULDIP SINGH)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.545 OF 2005
Cuttack, this the 08th Day of October, 2007

CORAM:

HON'BLE SHRI KULDIP SINGH, VICE-CHARMAN

.....
IN THE CASE OF:

Smt. Bhadari Behera, aged about 59 years wife of Late Surendra Behera, Ex- Chowkidar under Section Engineer (Works), Construction, Angul, S.E. Railway (as then was), at present residing at Artasantarakateni, P.O. Balaramprasad, Dist. Dhenkanal-759019.

..... Applicant

By the Advocate(s) Mr. Achintya Das,

Vs.

1. Union of India represented thorough its General Manager E.Co. Railway, Chandrasekharpyur, Bhubaneswar.
2. Chief Administrative Officer (Construction), E.Co. Railway, Chandrasekharpyur, Bhubaneswar.
3. Sr. Divisional Personnel Officer, E.Co. Railway, Khurda Road, P.O. Jatni, Dist. Khurda-752 050.
4. Sr. Divisional Finance Manager, E.Co. Railway, Khurda Road, P.O. Jatni, Dist. Khurda-752 050.
5. Dy. Chief Engineer (Construction), E.Co. railway, At-Khetrajpur, P.O./Dist. Sambalpur.

..... Respondent(s)

By the Advocate(s) Mr. S. K. Ojha.



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O R D E R

SHRI KULDIP SINGH, VICE-CHAIRMAN

Heard Mr.Achintya Das, Ld. Counsel for the Applicant and Mr.S.K. Ojha, Ld. Standing Counsel for the Railways. The Applicant had filed this O.A. seeking following relief:

“To direct the respondents to release the Family Pension from the month of February 2001 and the amount of DCRG as admissible in favour of the applicant.

To direct the respondents to pay interest @ 9.5% from 01.04.01 and @ 9% from 01.04.02 till the end of the month proceeding the month in which the payment is actually made.

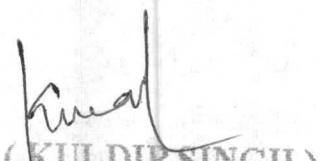
Cost of litigation...”.

The case of the applicant is that her husband died on 25.01.2001. Thereafter on 10.10.2001 she applied for family pension and retrial benefits of her husband. However, after lot of delays the benefits were released in her favour in the year 2005 which has been admitted in the counter affidavit filed by the respondents, particularly in para 3 & 4. It shows that various Respondents are being changed during that period, which had ultimately resulted delay in giving retrial benefits such as pension etc. to the applicant. The Ld. Counsel for the respondents has also pointed out that though Railway Rule provides to give all retrial benefits within a stipulated period but the delay has occurred due to the fault of applicant. He has also pointed out that as per provision 03 months time is allowed for payment of dues and only after that if no payment is made as per rule one is entitled to revision. The applicant is entitled to get interest on DCRG after 3 months hence. In the light of the discussions made



above, it is held that the applicant is entitled to get interest both on Pension & DCRG amount as per Rule i.e. after 03 months of submission of Pension papers. And the respondents are hereby directed to calculate and pay the interest amount to the applicant @9% per annum. Interest shall be calculated till the date of actual payment.

This O.A. is accordingly allowed. No order as to cost.


(KULDIP SINGH)
VICE-CHAIRMAN