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O.A.NO.17 OF 2006

ORDER DATED 08.01.08

CORAM: SHRI C.R.MOHAPATRA, MEMBER(ADMN.)

Mr.S.Patnaik, Ld.Counsel for the applicant is present and submits that the amount of Rs.1,77,150/- is still payable by the Railways consequent to the pay fixation and grant of proper scale of pay to the applicant. He states that only Rs.50,000/- has been received by the applicant and the remaining amount of Rs.1,77,150/- is yet to be released.

2. Mr.M.K.Das,Ld.Counsel for the respondents is present and submits that the pay has been correctly fixed at Rs.8,300/- instead of Rs.7,500/- as on 30.06.04 and the pension has been re-fixed as Rs.5,627/-. He submits that the other payments like leave salary, difference of DCRG, arrears of pay and the supplementary wage for the period from 02.12.03 to 21.02.04 and from 05.04.04 to 07.04.04 have been passed and arranged. It reveals that these payments are shown to have been passed and arranged during the period from February,2007 to January,2006. Ld.Counsel for the respondents is not aware whether these payments have actually been released so far by the Railways authorities. Ld.Counsel for the applicant submits that the applicant has not received the payment so far. It also reveals from the counter that an amount of Rs.26,130/- has been withheld from the DCRG according to certain advice received from the Sr.DCM, Khurda Road as per Statutory provision. No order of the controlling authority, neither any statutory provision has been mentioned nor the authority for withholding such

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amount from the DCRG has been mentioned. Ld.Counsel for the respondents submits that he is not aware of any order of punishment inflicted on the applicant by the Railway authorities leading to the withholding of the amount of Rs.26,130/- . In the absence of any order to this effect, withholding the amount appears to be arbitrary.

3. The applicant retired on superannuation on 30.06.04 and on 20.06.05 vide Annexure-7, the Railway authorities asked the concerned authorities to make payment of the DCRG keeping in abeyance an amount of Rs.26,130/- . It is almost a year after that the concerned authority for the Railways discovered that this amount was lying outstanding against the applicant as the same was not handed over though stated to have been collected by the applicant. Withholding of the DCRG amount appears to have been made based on the Annexure-7 and not based on any order of the competent authority after initiating an appropriate disciplinary proceeding. Hence the arbitrariness of the authorities in withholding the DCRG amount is manifest.

4. In the light of the pleadings made and the documents available on record, the Respondents are directed to release all the payments admissible under the Rules to the applicant within a period of two months from the date of communication of this order. The Respondents are also directed to decide the matter of withholding of the DCRG amount as per the extant Pension rules of the Railways and not otherwise as the employee retired on 30.06.04. This exercise must also

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be completed within a period of two months from the date of communication of this order. The question of payment of interest on delayed payment shall be considered as per the extant pension rules of the Railways within the said period.

5. Accordingly, the O.A. is disposed of. No order as to costs.

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MEMBER~~(ADMN.)~~