

3

O.A.No. 323 of 2006.

Order dated 10-05-2006.

Heard Mr. Achintya Das, Learned Counsel appearing for the Applicant and Mr. R.C. Rath, Learned Standing Counsel appearing for the Respondents/Railways; on whom a copy of this Original Application has already been served.

Non-payment of differential pay and allowances consequent upon re-fixation of the pay of Applicant under Annexure-A/2 and Annexure-A/5, is the subject matter of consideration in this Original Application under section 19 of the Administrative Tribunals Act, 1985.

It appears that the Applicant was working as Sr. Passenger Guard in the Railway and has retired from Railway service with effect from 31-10-2005 attaining the age of superannuation. It is the case of the Applicant that although pursuant to Annexure-A/2 differential amount had been drawn and paid to the others, no such

payment has been made to the Applicant, although supplementary bill has been kept ready under Annexure-A/5. It has been disclosed that he has submitted a representation under Annexure-A/6, requesting the Railway authorities to disburse the differential arrear emoluments, he has received no response on the said request.

Delay in disbursement of financial benefits of Government servants/ retired Govt. employees has often been deprecated by various courts and for that the Courts/Tribunals have been consistently granting interest on the delayed payment. In the instant case, *prima facie*, it appears that there is no reasonable ground for the Railway authorities to delay in disbursement of arrear emoluments when the same has already been drawn and paid (according to Applicant) to other similarly placed employees.

Having regard to the above facts and circumstances of this case and with the consent of the learned counsel for both sides, this Original Application

is disposed of, at this admission stage, with direction to the Respondents to consider the representation of the Applicant under Annexure-A/6 with a view to disburse the differential emoluments, as due and admissible under the Rules, pursuant to Annexures-A/2 & A/5, within a period of 30 days from the date of receipt of copies of this order. There would be no order as to costs.

Send copies of this order along with copies of the O.A. to the Respondents and free copies of this order be given to learned counsel for both sides.

13/3/1996
(B.B.MISHRA)
MEMBER(ADMINISTRATIVE)