

7

OA No. 04 of 2008

Gopi .... Applicant  
Versus  
UOI & Ors. .... Respondents

1. Order dated 3<sup>rd</sup> September, 2009.

C O R A M  
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)

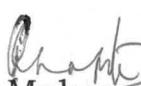
.....  
Applicant is a retired employee of the Railway. He retired from service w.e.f. 31.08.2007. Challenging the action of the Respondents in not paying his retirement dues such as DCRG, PF, and Commuted value of pension he has approached this Tribunal with prayer to direct the Respondents to release all his retirement dues with 12% interest for the delayed payment. Respondents by filing counter have stated that meanwhile all the dues of the Applicant have been released vide PPO No. 12020015708 dated 18.03.2008. Accordingly, they have prayed for dismissal of this OA as infructuous. By placing reliance on the rules as also on some of the decisions of the Hon'ble Apex Court in the rejoinder filed by the Applicant it has been stated that though he was entitled to interest on the delayed payment of the retirement dues the same has not been paid to him. Accordingly he has sought direction to the Respondents for payment of interest.

2. Heard Learned Counsel for both sides and perused the materials placed on record. It is seen that the delay in settlement of the dues was for about six and half months. According to the Respondents the delay was due to processing the case of the Applicant with reference to records. By relying on

8

Rule 87 of Railway Servant (Pension) Rules, 1993 and various decisions it was contended by the Applicant that since the delay was more than three months the applicant is entitled to interest on the gratuity amount.

3. No ground or reason has been given in the counter for the delay caused in sanctioning the retirement dues of the Applicant. It is the specific case of the applicant that under Rule 87 of Railway Servant (Pension) Rules, 1993 after expiry of three months of retirement, the applicant is entitled to interest on the delayed payment of gratuity etc. It is not the case of the Respondents that the delay is attributable to the Applicant. In view of the above, this Original Application is disposed of granting liberty to the applicant to make a representation in this regard within a period of seven days and on receipt of the said representation the Respondents are directed to examine the matter and if the delay is not attributable to the Applicant pay him the interest as provided in Rule 87 of Railway Servant (Pension) Rules, 1993 within a period of 30 days of receipt of the representation. No costs.

  
(C.R. Mohapatra)  
Member (Admn.)