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O.A. No. 532 of 2008

Order dated: 17.03.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)
Hon'ble Mr. C.R.Mohapatra, Member (A)

We have heard Mr. G.Rath, Ld. Counsel for the applicant and Mr. T.Rath, Ld. Addl. Standing Counsel for the Respondents.

2. Claiming interest for the delayed payment of DCRG, at the rate of 12%, the applicant has filed this Original Application.

3. The case of the applicant is that he retired from service on 30.06.2006 and all the papers for pensionary benefits have been forwarded to the Department as per the relevant provisions of the Pension Rules. However, the pension benefits and the DCRG were not paid to the applicant in time. The reasons appear for non-payment of the above benefits to the applicant that the service book of the applicant has not been available with the Department since these records were seized by the Central Bureau of Investigation in connection with some case registered (against whom, it is not known either to the applicant or anybody else in the department). However, after lapse of

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sometime, the service book of the applicant has been reconstructed by the Department and all the pensionary benefits have been considered as per letter of the C.G.E.G.I.S. amounting to Rs. 23,878/- for payment on 23.02.2007 and the applicant has been communicated to receive the same amount vide the office letter dated 13.02.2007. In the light of the above, the applicant had received all the payments including the DCRG. But, in this O.A. the applicant wants to get interest on the delayed payment of DCRG alone.

4. We have gone through the averments in the O.A. and also the contentions raised along with the representation, which the applicant had already filed before the Divisional Railway Manager on 24.08.2007. But inspite of the above representation, the claim for interest has not been considered by the authorities. We have also perused Annexure-A/11, a letter addressed to the applicant by the Central Public Information Officer and Additional Divisional Railway Manager, Khurda Road taking the stand that the Divisional Railway Manager, East Coast Railway, Khurda Road has instructed to take the matter in the light of the information sought by the applicant regarding the matter.

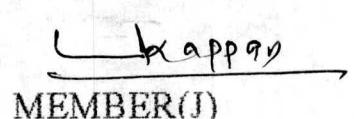
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5. After hearing the Ld. Counsel appearing for the applicant, we have also heard the Ld. Counsel appearing for the Respondents, Mr. T.Rath and he has taken the stand that as DCRG has to be sanctioned by General Manager, it has taken some time. Whatever may be the reason, we are not considering that point at this moment. However, it is only proper for the applicant to prove that Department is faulty for delay caused on their part and he is entitled to get interest, he claims before this Tribunal.

6. In the above circumstances, we dispose of this O.A. by directing the Respondent No.2 to consider Annexure-A/9 representation with due consideration of the law relating to the subject and pass appropriate order within a reasonable time at any rate within 60 days from the date of receipt of a copy of this order. It is made clear that as Mr. T.Rath is appearing for the Respondents, he shall also take effort to implement this order as ordered by this Tribunal at the earliest.

7. The O.A. is accordingly disposed of. No costs.


MEMBER (A)


MEMBER (J)