

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.156 of 2009

B.Srinivasulu Applicant

Versus

Union of India & Others Respondents

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ORDER DATED:- 13th April, 2010

C O R A M:

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

Applicant is a retired employee of Railway. He retired from service w.e.f. 30.06.2001 while working as Senior Maintenance Foreman under the Senior Divisional Mechanical Engineer, ECoRly, Bhubaneswar. After his retirement, the DRM(P) issued Memo No.36/02 dated 11.10.2001 wherein it was mentioned that due to restructuring, the Applicant having been found suitable has been promoted to SMF/incharge in scale of Rs.7450-11500/- retrospectively w.e.f. 01.03.1993. It was also mentioned that in the said order that the applicant was eligible for the benefit of fixation of pay in the higher grade w.e.f. 01.03.1993 to 30.06.2001 due to retirement and accordingly a direction was issued entitling the applicant to receive differential arrear salary consequent upon his retrospective promotion with effect from 01.03.1993 to 30.06.2001. His grievance for getting arrear payment of the differential dues having not been ~~paid~~ ^{met} despite successive representations one after the other starting from 23.4.2003 till 11.11.2008, he has approached this Tribunal in the present OA filed on 9th April, 2009 in which notice having been issued to the Respondents by the order of this Tribunal dated 16.04.2009, giving them opportunity to file their counter no counter was filed till 07.04.2010 on which date also time was sought on behalf of Mr. P.C.Panda, Learned Counsel for the Respondents to file counter. Though this Tribunal was not inclined to grant any time when by filing a memo learned counsel for

the applicant has brought to the notice of this Tribunal that an amount of Rs.69,379/- towards the arrear salary has been credited to the Bank Account of the applicant on 11.03.2010 by the Respondents and he only prays for direction for payment of interest for delayed payment of his dues, by way of giving opportunity the matter was fixed to 08.04.2010 on which date by filing a counter besides explaining the delay in making payment of the dues Respondents confirmed that the payment has already been made to the Applicant. Though not mentioned but it was orally told by Mr.Panda that action has already been taken against the erring official responsible for such delay in making payment. In view of the above, heard Mr.Panda only to the extent of payment of interest is concerned. But I find no substance either in the explanation given in the counter or in course of hearing by Mr.Panda to justify the delay of about 9(nine) years for releasing the dues especially the dues of a retired railway employee. Numerous decisions rendered over a span of nearly two decades have laid down and reiterated the principles which the Tribunal must apply while considering the question hitherto grant of interest that if any amount due to an employee/retired person, it is wrongfully withheld or delayed, owing to the culpable negligence of employer, otherwise than in accordance with rules, the employer would be liable to penal interest for such negligence. In view of the above well established principle of law, I have no hesitation to hold that the Applicant is entitled to 6% simple interest from the date the amount became due to him till the actual payment is made; which the Respondents shall calculate and pay the applicant within a period of 30(thirty) days failing which the Applicant would be entitled to penal interest on the entire amount. Liberty is also given to the Respondents to make good the amount to be paid to the applicant by way of interest from the officer(s) responsible for the delay after making payment to the applicant.

2. In the result, this OA stands disposed of to the extent stated above. There shall be no order as to costs.

3. **Registry is directed to send a copy of this order to the General Manager, E.Co.Railway for bringing this to his notice so far as dealing with the payment of retired employee of Railway and the casual and delayed approach in filing the counter in the matter as in the present case.**


(C.R.MOHAPATRA)
MEMBER (ADMN.)

