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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No. 261 of 2010
Cuttack, this the 31st day of March, 2011

K.C.Dhada Applicant

-v-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?


(A.K.PATNAIK)
Member(Judl)


(C. R. MOHAPATRA)
Member (Admn.)

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CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)
A N D
THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

K.C.Dhada, retired Chief Goods Supervisor, Jajpur Keonjhar Road, ECoRailway presently resides at Baralpokhari, Dist. Bhadrak, PIN 756 001.

.....Applicant

By legal practitioner: M/s.D.P.Dhalsamant, N.M.Rout, Counsel.

-Versus-

1. Union of India represented through General Manager, East Coast Railway, Rail Vihar, Bhubaneswar, Khurda.
2. Chief Commercial Manager, O/O the General Manager, ECoRailway, Rail Vihar, Bhubaneswar, Dist. Khurda.
3. Additional Divisional Railway Manager ECoRailway, Khurda Road, Jatni, Dist. Khurda.
4. Senior Divisional Commercial Manager, O/o.DRM, ECoRailway, Dist. Khurda.

....Respondents

By legal practitioner: Mr.S.K.Ojha, SC

O R D E R

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

Applicant working as Chief Goods Supervisor in Jajpur

Keonjhar Road of the E.Co.Railway, on reaching the age of superannuation retired from service w.e.f. 30.11.2009. His grievance, in this OA is that despite no disciplinary or criminal case contemplated or pending against him, he has not been paid all his retrial benefits except provident fund. Hence in this OA, he



seeks direction to the Respondents to release all his retrial dues with 12% interest per annum within a stipulated period to be fixed by this Tribunal.

This matter was listed on 13-05-2010. This Tribunal while issuing notice to the Respondents to file their counter, as an ad interim measure directed that "notwithstanding pendency of this case, the Respondents should sanction and disburse provisional pension in favour of the applicant by the end of May, 2010 and continue to pay him the provisional pension till finalization of the pension matter of the applicant. Arrears of the provisional pension should be released in favour of the applicant by the end of June, 2010."

2. Respondents filed their counter in which it is stated that in compliance of the interim order dated 13-05-2010, as per the statement enclosed at Annexure-R/1, the retirement dues of the applicant have been calculated and paid to the Applicant meanwhile. In so far as delay in disbursement of the dues it has been stated that the delay was not intentional or deliberate but due to official procedures and the administrative steps taken thereof.

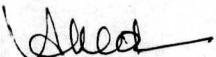
3. Heard the rival submission of the parties and perused the materials placed on record. In support of the stand that since the delay was not attributable to the Applicant he was entitled to

interest, Learned Counsel for the Applicant relied on the decision of the Hon'ble Apex Court in the case of **Dr. Uma Agrawal v State of UP**, 1999 SCC (L&S) 742 and **H.Ganga Homma Gowda v Karnataka Agro industries**, 2003 SCC (L&S) 257. We have gone through the decisions relied on by the Applicant. No doubt the Hon'ble Apex Court in the aforesaid cases directed for payment of the interest for the delayed payment of the retrial dues but the Hon'ble Apex Court decision had taken into consideration the Rules governing ~~to~~ the applicants therein. In the instant case no rule has been cited either in the OA or produced before us supporting the payment of interest and if so at what rate. We also notice from the averments made in the OA that the applicant was under certain punishment prior to his retirement. Be that as it may, we do not like to comment on the same as in this OA the applicant's prayer is only for payment of retrial dues with interest.

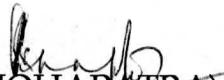
4. In view of the above, as admittedly there has been delay in payment of the retrial dues of the applicant and the delay being not attributable to the applicant, he is entitled to interest. The Respondents, are therefore, directed to examine the question of payment of interest and the rate of interest as well as the date from which the same is due as per Rules and pay the same as due and admissible to the Applicant within a period of 60(sixty) days

from the date of receipt of copy of this order. Respondents are also free to recover the payment to be made to the applicant towards the interest from the officer(s) responsible for the delay.

5. With the aforesaid observation and direction, this OA stands disposed of. No costs.


(A.K.PATNAIK)

Member (Judl.)


(C.R.MOHAPATRA)

Member(Admn.)