

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 781 of 1996

Present : Hon'ble Dr. B.C. Sarma, Administrative Member.

Hon'ble Mr. D. Purkayastha, Judicial Member.

Arun Krishna Dey

...Applicant

Vs.

1. Union of India, thr. The General Manager, E.Rly.  
17, N.S. Road, Calcutta-700001.

2. The Divisional Railway Manager, E.Rly. Dhanbad.

...Respondents

For the applicant : Mr. B. Chatterjee, Counsel.  
For the respondents: Mr. C. Samaddar, Counsel.

Heard on 16.7.97

Order on 16.7.97

O R D E R

B.C. Sarma, AM

The dispute raised in this application is about the payment of interest as claimed by the applicant on his retirement benefit because of delay in payment of the same. The applicant had retired from service on attaining the age of superannuation on 28.2.95. However, he was paid D.C.R.G., G.I.S., Leave salary on 26.10.95 instead of 1.3.95 after expiry of 8 months. Commuted pension amounting to Rs. 45,690/- was paid to him on 8.4.96 after expiry of 13 months and pension after 8 months and not on 1.4.95.

2. We have heard the Id. counsel for both the parties and also perused the records. We find that the applicant has retired on 29.2.95 and legally he becomes entitled to get his dues on 1.3.95. But there was a delay of about 8 months in the matter of grant of D.C.R.G., G.I.S., Leave salary and about 13 months in the matter of grant of commuted pension and pension after 8 months. Under the Railway Pension Rules 1993, the pension papers of the employee are required to be processed 8 months before the date of retirement

so that the employee gets his retirement benefit in time. In this case, we note that the railway respondents had moved only 3 months before the date of retirement i.e. 28.2.95. The delay could have been avoided if the pension papers were processed well in time. It is true that the delay made by the respondents in giving retirement benefit is not intentional and verification of service records had taken sometime, but this development should have been anticipated by the respondents well in time and, therefore, we are of the view that in this case the applicant is entitled to get interest on D.C.R.G. at least immediately after expiry of three months from the date of retirement.

4. As regards interest on commuted value of pension, the applicant had applied for commutation only on 9.12.95 and he had received commuted pension on 8.4.96. In this case, we are not inclined to grant any interest on the said amount. The pension of the applicant was also granted on 1.4.95.

5. Accordingly the application is allowed <sup>in part.</sup> The respondents are directed to pay interest at the rate of 10% on the D.C.R.G. from 1.6.95 till the date on which the said amounts have actually been paid to him failing which the respondents shall pay him interest at the rate of 15% per annum till the date of payment. No order is passed as regards cost.

  
(D. Purkayastha)  
Judicial Member

  
(B.C. Sarma)  
Administrative Member

a.k.c.