

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 1051 of 1996

Date of Order: 29.12.97.

Present: Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.

Hon'ble Mr. M.S. Mukherjee, Administrative Member.

TRIDIB KUMAR SEN

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr. B.C. Sinha, counsel.

For the respondents: Mr. S. Choudhury, counsel.

Heard on: 29.12.97.

O R D E R

S.N. Mallick, V.C.

After hearing the 1st. counsel appearing for the respective parties, we admit this application and on consent, we take up this application as on to-day's list for final disposal.

In the instant application, the petitioner has prayed for a direction upon the respondents to pay interest on the DCRG amount of Rs 49,268/- @ 18% per annum due to delayed payment of the same to the petitioner by the respondents. The petitioner's case is that while working under the respondents he retired on 31.01.95 on superannuation. He received pension on 2.2.95 but the DCRG was released only on 19.7.96. The petitioner claims that he should be paid interest at the rate of 18% per annum on the above sum as the delay was made by

the respondents without any reasonable cause. The respondents in the reply, have stated in paragraph 10 that the petitioner vacated the Rly. quarter on 26.5.95 and the DCRG could not be released due to non-receipt of commercial debit clearance from the Senior Divisional Commercial Manager, S.E. Railway, Adra. The said commercial debit clearance was received on 28.5.96 and accordingly, the DCRG was released to the petitioner on 19.7.96. From the above materials, it is quite clear that there is no reasonable cause for such unreasonable delay in releasing the DCRG to the petitioner. The DCRG should have been paid immediately after the petitioner retired and after he had vacated the quarter and it is submitted by Mr. Sinha that with the consent of the respondents, the petitioner occupied the railway quarter till 26.5.95.

Under the circumstances, we are of the view that the petitioner should get interest @ 18% per annum on the above sum from 1.7.95 till 10.7.96 and the petitioner is also entitled to costs as, due to such delayed payment, he had to move this Tribunal for redress.

Under the circumstances, we allow this application with costs assessed at Rs 500/- (Rupees five hundred) and the respondents are directed to pay interest at the rate of 18% per annum from 1.7.95 to 10th July, 1996 on the DCRG amount received by the petitioner within 6 weeks from the date of communication of this order along with costs.

  
(M.S. Mukherjee)  
Member (A)

  
(S.N. Mallick)  
Vice-Chairman.