

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. 1054 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.

PABITRA KR. GHOSH

-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.

1. 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.
2. In the instant application, the petitioner has prayed for a direction upon the respondents to pay interest on the DCRG amount of Rs 55,935/- @ 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 31.12.94 on superannuation. He received pension on 03.01.95 but the DCRG was released only on 29.02.96. 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 and the official quarter he was occupying.

was vacated by him on 1.9.94. The respondents in their reply have stated in paragraph 11 that the petitioner worked in different stations during his service life and he was custodian of various valuable goods of the Railways and after his retirement all retiral benefits have been paid to him except the DCRG amount for late receipt of commercial debit clearance from the Senior DCM, S.E.Rly., Adra. This clearance was received on 12.01.96 and the DCRG amount was released to the petitioner only on 31.01.96 which is not correct. It was paid to him on 29.02.96.

3. The DCRG amount should have been paid immediately after the retirement and in this case, as per averments made by the petitioner, there is no case of adverse ACR, no D&A case, no vigilance nor any unauthorised occupation of Railway Quarter against him. Therefore, it cannot be said that there was any reasonable cause on the part of the respondents to make such delayed payment of the DCRG to the petitioner. Under the circumstances, we are of the view that the petitioner should get interest @ 18% per annum on the above sum from 1.1.95 to 29.2.96 and the petitioner is also entitled to costs as due to such delayed payment, he had to move this Tribunal for redress.

4. Under the circumstances, we allow the 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 1.1.95 to 28.2.96 on the DCRG amount received by the petitioner within 6 weeks from the date of communication of this Order along with costs.

MSM
(M.S. Mukherjee)
Member(A)

SNM
(S.N. Mallick)
Vice-Chairman.