

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 1179 of 96

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

Birendra Kumar Biswas, son of Late Ekkari Biswas, aged about 60 years, Ex. Station Master, B.D.R. Rly.(Bankurah Damodar River Railway), Bankurah, under Adra Division, residing at Lalbazar, Keranibandh, P.O. Lalbazar, Dist. Bankurah, Pin-722101.

...Applicant

-v e r s u s -

1. Union of India, service through General Manager, South Eastern Railway, Garden Reach, Calcutta-43.
2. The Divisional Railway Manager, South Eastern Railway, Adra Division, P.O. Adra, Dist. Purulia.
3. The Divisional Personnel Officer, South Eastern Railway, Adra Division, P.O. Adra, Dist. Purulia.

...Respondents.

For the applicant : Mr. K.C. Saha, counsel.

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

Heard on 6.7.98

Order on 6.7.98

O R D E R

D. Purkayastha, JM

The case of the applicant in short is that the applicant retired on superannuation on 30.4.94 as a Station Master, Adra. But respondents delayed the payment of the D.C.R.G. money to the extent of Rs.36,246/- which was due to the applicant on the date of retirement i.e. on 30.4.94.

According to the applicant, respondents illegally deducted Rs.2814/- from his D.C.R.G. money and thereby he is entitled to refund the said amount with interest at the rate of Rs.18%. *It is stated by* *According to* the applicant *he was* per letter of appointment, he was entitled to get free accommodation. So he was allotted a Rly. quarter w.e.f. 11.11.71 to 29.7.93. But the respondents acted arbitrarily by deducting Rs.2814/- from his D.C.R.G. towards House Rent for the period from 11.11.71 to 15.6.90 though the allotted quarter was treated to be a rent free quarter as per appointment letter (Annexure-3 to the application). Hence, the applicant has filed this application with a prayer that the respondents be directed to pay interest at the rate of 18% p.a. for delayed payment and also to refund

the amount of Rs.2814/- with interest at the rate of Rs.18% p.a. from the date of retirement till the payment is made.

2. The respondents filed reply stating inter-alia that the claim of the applicant as raised in the application is not tenable in view of the fact that the delay was due to late receipt of Commercial debit clearance certificate from the concerned Department of the respondents. The applicant rendered service as Asstt. Station Master/Station Manager, for which, he was liable to incur commercial debit. In terms of Estt. Srl. No.22 of 1988, the time limit for issuing the such certificate of commercial debt clearance was fixed for six months. As such the applicant may be paid interest on delayed payment of D.C.R.G. beyond six months of retirement i.e. from 1.11.94 to 31.3.96(95) on Rs.36,346/- It is also stated that Rs.2814/- was deducted from his D.C.R.G. money in terms of Estt. Sr. No. 11/70. As such the same is not refundable and question of payment of interest on Rs.2814/- does not arise.

3. Mr. Saha, Id. counsel for the applicant submits that the delayed payment made by the respondents unnecessarily for more than one year though he is entitled to D.C.R.G. immediately after retirement. So as per circular of the respondents, he was entitled to get interest at the rate of Rs.18% p.a. on the due amount from the date of retirement till payment is made.

4. Mr. Chowdhury, Id. counsel for the respondents submits that the said amount was rightly deducted from his D.C.R.G. money as per circular (Annexure-R/I to III to the reply). Thereby, applicant is not entitled to get any refund of the ysaid amount as claimed in the application. He also further submitted that delay of payment of D.C.R.G. money was due to non-availability of commercial receipt from the concerned authority. So such delay cannot be attributed to the respondents.

5. I have considered the submission of Id. counsels for both the parties. I find from the circular (Annexure-R/II to the reply) dated 19.10.79 that a detailed time table for finalising pension cases had been laid down in the Min. of Finance O.M. No.F.11(3)-EV(A)/76 dated 28.2.76

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