

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1345 of 96

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

KANTI KR. SANYAL
VS
UNION OF INDIA & ORS.

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

For the respondents:Mr.S.Choudhury,counsel

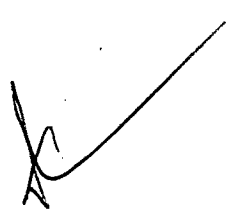
Heard on : 22.2.99

Order on : 22.2.99

O R D E R

The applicant has filed this application for interest for delayed payment of DCRG money amounting to Rs.72,279/- due after voluntary retirement from service w.e.f. 22.2.95. According to the applicant he sought for voluntary retirement on the ground of illness and that has been accepted. But his retiral benefits i.e. DCRG money has not been paid to him within a reasonable period i.e. within 3 months from the date of retirement, as per rules. Hence he approached the Tribunal by filing this application. This Tribunal by an interim order directed the respondents to pay Rs.15,000/- to the applicant subject to the decision of the case. Accordingly the respondents paid Rs.15,000/- on 30.1.97, and balance amount of Rs.57,279/- has been paid on 16.1.98. So he is entitled to get interest for delayed payment.

2. The respondents filed written reply denying the claim of the applicant. It is stated that the DCRG amount due to the applicant was withheld for want of departmental clearance for which departmental enquiry was pending. The date of enquiry was fixed on 27.11.95 and 8.12.95, but the applicant did not attend to the said enquiry. Finally enquiry had been completed exparte by the duly constituted Enquiry



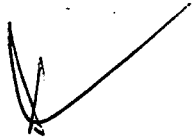
Committee and after perusal of the report of the Enquiry Committee, a decision have been taken by the competent authority to write off the amount in question for which a correspondence has been made vide Sr.DEN(CO):NGP's letter No.E/S/13/155/DG dated 20.1.97 with Genl.Manager(ENGG.)GRC followed by a reminder dated 18.2.97. (Both the letters are enclosed herewith and marked as Annexure R/1 & R/2.) It is also stated that in obedience to Hon'ble Tribunal's order dated 12.11.96, the respondents have released Rs.15,000/- from DCRG vide cheque No.157985 dated 20.1.97. It is further submitted that an amount of Rs.60,00/- approx. is to be recovered from the applicant towards the shortages of stores i.e. 253 nos. Fish Plates, 60 Kg.from wagon No.SC-9096 booked under R.R.No.285054 dated 17.6.68 ex.DIG to Gondia. Now, AGM has been asked for write off sanction.

3. Mr.Sinha, Id. counsel for the applicant submits his prayer for voluntary retirement was accepted w.e.f. 22.2.95 but there had been inordinate delay in the matter of payment of retirement dues without any reasonable grounds. According to the respondents there was enquiry pending against the applicant and that could not be completed before 1997 and for that reasons the payment was withheld.

4. I have considered the submissions of both the counsels and it is found that the applicant sought for voluntary retirement, that has been accepted w.e.f. 22.2.95. So it can be said that there was a legal obligation on the part of the respondents to get clearance



certificate from all the department before acceptance of the prayer of voluntary retirement. It is found that trouble started after acceptance of the voluntary retirement. Two letters along with the reply dated 18.2.97(Annexure R/1) and 20.1.97(Annexure R/2) have been produced before me from the side of the respondents. From those letters it is found that said DCRG money was withheld in respect of an incident which took place in ¹⁹⁸⁸ 1988 and department slept over the matter and they did not take any action against the applicant for the alleged loss caused to the Railway Department. It is found from the letter dated 20.1.97 that after due enquiry no Railway employee could be found involved in the theft involved in the said occurrence. However, it is found that occurrence took place in ¹⁹⁸⁸ 1988 and the department could not complete the enquiry till the date of retirement. In view of the aforesaid circumstances it cannot be said that there is no latches on the part of the department in making the enquiry which consequently delayed the payment of settlement dues to the applicant. It is settled law that on retirement, Govt. employee is entitled to get his retiral benefits on the date of his retirement or within reasonable period from the date of retirement and that has not been done. Such inordinate delay on the part of the respondents for the reasons stated in the letter dated 20.1.97(Annexure R/1) can be safely attributed to the respondents and that was latches on the part of the respondents. Thereby I hold that the applicant is entitled to get interest at the rate of 12% on the DCRG after expiry of 2 months from



the date of retirement and till payment is made. It is admitted by the applicant that he received Rs.15,000/- as per order of the Tribunal and balance amount has been paid on 22.1.99. So calculation of interest be made accordingly. Interest should be paid within 2 months from the date of communication of this order. Interest to be calculated after 2 months of the date of retirement. The OA is therefore disposed of awarding no costs.

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22/1/99

(D. Purkayastha)

MEMBER (J)