

I/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of Decision : 24.07.2003

Original Application No. 83/2003.

Suresh Chander Kalla S/o Late Shri Kishan Das Kalla, aged 60 years, 2J8, 1st Puniya, Chopasani Housing Board, Jodhpur-342008 (Rajasthan).

... APPLICANT.

v e r s u s

1. Union of India through General Manager, North West Railway, Old Mal Godown, Jaipur.
2. Chief Engineer III/ Const. North West Railway, Old Mal Godown, Jaipur.
3. FA & CAO/Const., North West Railway, Old Mal Godown, Jaipur.
4. Senior Account Officer/Const. Opp. DRM Office, Jodhpur.
5. Dy. Chief Engineer/Const./I Opp. DRM Office, Jodhpur.

... RESPONDENTS.

Mr. Rakesh Kalla counsel for the applicant.
Mr. Kamal Dave counsel for the respondents.

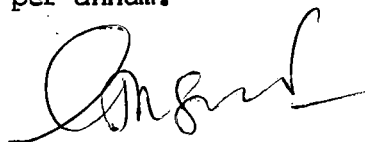
CORAM

Hon'ble Mr. Justice G. L. Gupta, Vice Chairman.
Hon'ble Mr. R. K. Upadhyaya, Administrative Member.

: O R D E R :

(per Hon'ble Mr. Justice G. L. Gupta)

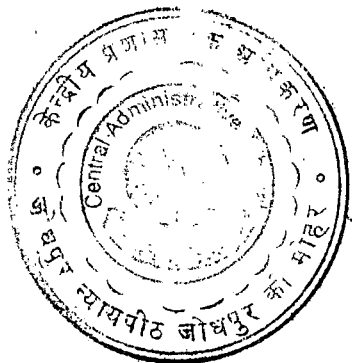
The applicant was the Executive Engineer/Construction, North West Railway, Jodhpur, and retired on 31.10.2002. The retiral benefits were not paid to him within three months from the date of retirement, therefore, he served a legal notice on the respondents. He ultimately filed the instant OA, praying for the release of the retiral benefits with interest at the rate of 12% per annum.



2. In the reply, the respondents have stated that the amount of Rs.6,00,308/- against the DCRG and the Commutation has already been paid and the Pension Payment Order has also been issued. It is further stated that the matter was delayed because the applicant was earlier the employee of the Northern Railway and his record remained lying there.

3. In the rejoinder, the applicant has stated that a sum of Rs.6,10,308/- was payable to him for the DCRG and Commutation value of the pension, instead Rs.6,00,308/- only have been paid to him vide Cheque No.773551 dated 6.5.2003 and thus Rs.10,000/- less have been paid.

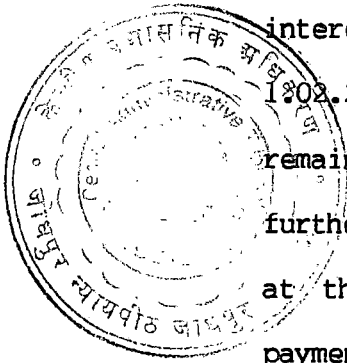
4. We have heard the learned counsel for the parties and perused the documents placed on record.



5. It is pointed out by the learned counsel for the respondents that after filing the reply, the respondents have sent a Cheque dated 10.07.2003 for Rs.6,200/- to the applicant and thus a sum of Rs.3,800/- is payable to the applicant, for which steps are being taken.

6. It is manifest that the payment of the retiral benefits was not made to the applicant by 31.01.2003. It was the duty of the respondents to have made full payment of retiral benefits within three months from the date of retirement. The applicant is, therefore, entitled to interest for the delayed payment of retiral benefits.

7. Consequently, it is directed that the respondents shall pay interest at the rate of 10% per annum on Rs.6,00,308/- from



1.02.2003 to 8.5.2003. The respondents shall further pay interest at the rate of 10% per annum on Rs.6,200/- from 1.02.2003 till the cheque is encashed. It is also directed that remaining sum of Rs.3,800/- be paid to the applicant without further delay. This amount shall also be paid alongwith interest at the rate of 10% from 01.02.2003 till the date of actual payment.

8. The applicant shall also get costs Rs.1000/- from the respondents.

(R. K. UPADHYAYA)
MEMBER (A)

(G. L. GUPTA)
VICE CHAIRMAN

Copy Received 25/7/03
Rakesh Kaller
(Rakesh Kaller)

Received copy
of order and cost Bill
for Mr. Karol Dye
Ashok
28/07/03

Part II and III destroyed
in my presence on 24.3.09
under the supervision of
Section Officer as per
order dated 13/2/09
Section Officer (Revenue)
Section Officer (Revenue)