

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.1140 of 1997

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

B. P. Mistry, son of late Prabhas
Chandra Mistry, retired as CS(G)
Shalimar, South Eastern Railway,
residing at Village Elachi, Post
Office Narendrapore, Dist. 24-Parganas

.....Applicant

VS

1. Union of India, through the
General Manager, South Eastern
Railway, Garden Reach, Calcutta-43

2. The Area Manager, Shalimar, South
Eastern Railway, Howrah

3. The Divisional Railway Manager,
Kharagpur, South Eastern Railway

4. The Chief Commercial Superintendent
14, Strand Road, Calcutta-700 001

.....Respondents

For the Applicant : Dr. S. Sinha, counsel

For the Respondents: Mr. P. Chatterjee, counsel

Heard on 16.7.1998

: : Date of order: 16.7.1998

O R D E R

The applicant in this case approached this Tribunal for a direction upon the respondents to make payment of the DCRG money withheld by the respondents without any reasonable and common cause, though he retired from the service as Additional G.C., GSR CS (G) from Shalimar on 30.11.95 after rendering service with effect 1.4.63. According to the applicant neither any departmental proceeding nor any criminal case has been pending against him on the date of retirement and he rendered more than 38 years of service without any blemish. But his DCRG money has been withheld by the respondents arbitrarily and illegally without assigning any reasonable cause. And thereby the applicant has sought for a direction as well as interest @ 15% on

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the DCRG money amounting to Rs.79,637/- as admissible to him. Dr. Sinha, learned advocate appearing on behalf of the applicant submits that the DCRG money has been paid to the applicant on 11.12.97 after filing this case.

2. Mr. Chatterjee, learned advocate appearing on behalf of the respondents submits that the case has been transferred to him for appearance for the respondents in place of Mr. S. Chowdhury, as published in the cause list. The respondents did not file any reply in this case. It is found from the letters and orders that the respondents were given sufficient opportunity to file reply in this case and last opportunity was given to the respondents to file reply by an order dated 21.5.98 after hearing the learned counsel, Mr. Chowdhury appearing on behalf of the respondents. Till date no reply has been filed despite direction given therein. But one departmental officer produced a letter at the time of passing the order stating that the applicant has been paid Rs.79,637/- as DCRG money on 11.12.97 and that has been intimated to the learned advocate for the applicant.

3. Heard the learned advocates of both the parties. It is found from the record that the DCRG money has not been paid to the applicant from the date of retirement till 11.12.97, as per the letter of the Department. According to pension rules, an employee is entitled to receive the retirement benefits on the date of retirement, but not later than two months from the date of retirement. But in the instant case there has been inordinate delay in making the payment of the DCRG money without any fault of the applicant. Admittedly, the applicant retired on 30.11.95 and DCRG money has been paid on 11.12.97. So, the applicant is entitled to get interest on the delayed payment of DCRG money without any reasonable cause.

4. In view of the aforesaid circumstances I hold that the

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applicant is entitled to get interest at the rate of 15% per annum on the DCRG money payable to him from the date of retirement till the date of payment, i.e., 11.12.97, as stated in the letter. In the instant case action of the respondents for withholding the DCRG money is not based on any reason and thereby the interest should be paid to the applicant within three months from the date of communication of this order and the applicant would also be entitled to get costs of the litigation which is quantified as Rs.1000/- to be paid by the respondents to the applicant within the same period. The case is disposed of accordingly.

Handwritten signature
(D. Purkayastha)

MEMBER (J)

16.7.1998