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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

M.A. No. 281 of 1999
(O.A. No. 190 of 1997)

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

UNION OF INDIA & ORS.
(THROUGH C.L.W.)

VS

PRAVAKAR HANS

For the Applicants: Mr. P. K. Arora, counsel

For the Respondent/OP: Mr. P. C. Das, counsel

Heard on 22.6.1999

: : Date of order: 22.6.1999

O R D E R

By this miscellaneous application the Railway respondents sought reduction of interest from Rs.18% to Rs.12% as granted by this Tribunal by orders dated 24.2.99 and 8.3.99 on the ground of delayed payment of DCRG money and commuted value of pension. Mr. Arora, learned advocate appearing on behalf of the Railway respondents has drawn my attention to the Railway Board's circular bearing No.F(E)III/94/PNI/28 dated 1.11.94, Annexure/M3 to the application and submits that the Railway Board as per said circular is required to pay interest at the rate of Rs.12%. Therefore, the respondents be allowed to pay interest at the rate of Rs.12% instead of Rs.18% without prejudice to their rights and subject to decision in the review petition filed by the Railway respondents.

2. Mr. Das, learned advocate appearing for the opposite party raises objection and he submits that this application cannot be entertained since the matter has already been taken in the review application stated to have been filed by the Railway respondents. Therefore, the application should be dismissed.

3. I have considered the submissions of the learned advocates of both sides. It is stated by Mr. Arora, learned advocate that the Railway respondents had already filed a review application against the orders dated 24.2.99 and 8.3.99. After

considering the submissions of the learned advocates of both the parties I failed to understand why the Railway respondents have filed this MA, when they had filed a review application before this Tribunal against the orders dated 24.2.99 and 8.3.99. Moreover, I find that it is now well settled by the Hon'ble Apex Court in the case of State of Kerala vs. M. Padmanabhan Nair, reported in AIR 1985 SC 356 that failure to make payment of DCRG on due date of retirement of the Government employees would invite penal interest. Recently the Hon'ble Apex Court also decided one case in respect of Dr. Uma Agrawal vs. State of U.P. and Another [Writ Petition (Civil) No.771 of 1995]. In that judgment the Hon'ble Apex Court awarded huge compensation to the extent of Rs.2 lakhs to the employee for delayed payment of retiral benefits and the Hon'ble Apex Court held that if the rules/instructions are followed strictly much of the litigation can be avoided and retired government servants will not feel harassed because after all, grant of pension is not a bounty but a right of the government servant.

4. In view of the aforesaid circumstances I find that this application is not entertainable in view of the filing of the review application on the same ground. Thereby the application is dismissed awarding a cost of Rs.200/- to be paid by the Railway respondents to the applicant.


(D. Purkayastha)

MEMBER (J)