

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

CALCUTTA

O.A.No.190 of 1997

Date of order : 8.3.99

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

PRAVAKAR HANS

VS

UNION OF INDIA & ORS.

For the applicant : Mr. P.C. Das, counsel

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

O R D E R

The matter has been taken up for orders on the prayer of ld. counsel Mr. Das who is appearing ~~on~~ on behalf of the applicant. It is found that the case was disposed of on 24.2.99 and the ld. counsel could not produce the Railway Board's circular No.F(E)/III/79/PN-I/15 dated 15.4.91 of R.B.E. No. 76/91 regarding payment of interest on account of delayed payment of DCRG and commuted value of pension. The ld. counsel for the applicant today produces the same and submits that the applicant is entitled to get interest from the date of retirement i.e. 31.10.94 instead of 29.1.97 and 4.2.97 as observed in the judgment dated 24.2.99.

2. Ld. Counsel for the respdts. Mr. Arora submits that the oral prayer of reviewing the judgment cannot be entertained in this matter. He further submits that the Tribunal has already directed to pay interest to the applicant w.e.f. the date mentioned in the order dated 24.2.99. So, there is no

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scope of review of the order dated 24.2.99. He also submits that the Tribunal found justification in the matter of withholding the DCRG money and commuted value of pension. The delay was due to pendency of departmental proceeding against the applicant and the Tribunal justified the earlier order dated 5.7.96.

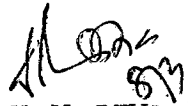
3. I have considered the submissions of ld. counsel for both the parties and I find that the matter has been decided by the Railway Board itself. The Railway Board's Circular bearing R.B.E. No.76/91 was issued which is related to this matter. The said Railway Board's Circular R.B.E. No.76/91 runs as follows :-

"(i) In case of Railway servants against whom disciplinary/judicial proceedings are pending on the date of retirement and in which gratuity is withheld till the conclusion of the proceedings.

(a) In such cases if the Railway servant is exonerated of all charges and where the gratuity is paid on the conclusion of such proceedings, the payment of gratuity will be deemed to have fallen due on the date following the date of retirement vide Board's letter of even number dated 25.5.83. If the payment of gratuity has been authorised after three months from the date of his retirement interest may be allowed beyond the period of three months from the date of retirement."

The above mentioned circular of Railway Board was not considered by me at the time of passing the order dated 24.2.99 since the ld. counsel for the applicant could not produce the same at the time of hearing. In view of the aforesaid circular, ^{and had} the applicant was exonerated from all charges, so the payment of

DCRG shall be deemed to have fallen due on the date of retirement. So, I find that it is a fit case for reconsideration of the matter in respect of the date of interest as decided by the earlier order dated 24.2.99. In view of the aforesaid circumstances, I am of the view that the applicant is entitled to get interest at the rate of 18% on the amount of DCRG and commuted value of pension after expiry of three months from the date of retirement(i.e. 31.10.94) till the payment is made. This order may be treated as part of the order dated 24.2.99


(D. PURKAYASTHA)
MEMBER(J)

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