

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
OA 170/2006

Wednesday this the 25th Day of October, 2006.

CORAM
HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

P.M. Thankappan Nair,
(Retd. Office Superintendent Grade II,
Southern Railway,
Shenkottah)
Residing at: Valliyaparambil House,
Parumala, Pathanamthitta Dist. Applicant

By Advocate Mr.T.C.G.Swamy

V/s.

1. Union of India represented by the
General Manager, Southern Railway,
Head Quarters Office, Park Town
P.O, Chennai-3.
2. The Divisional Railway Manager,
Southern Railway, Madurai Division,
Madurai.
3. The Divisional Personnel Officer,
Southern Railway, Madurai Division,
Madurai
4. Divisional Finance Manager,
Southern Railway, Madurai Division,
Madurai. Respondents

By Advocate Mr.Sunil Jose ACGSC

The application having been heard on 25.10.2006 the Tribunal delivered
the following:

O R D E R

Hon'ble Dr.K.B.S.Rajan Judicial Member

The applicant superannuated as Office Superintendent Grade II on
31/5/2002. As he was not paid the retiral benefits, he had to file OA-



568/2003 and this Tribunal by order dated 30/11/2004 passed the following order:-

"7. In the light of what is stated in the above we find that the applicant succeeds and the impugned orders are liable to be set aside. We, therefore, set aside the impugned orders Annexure A4, A5, A6 and A10 directing the respondents to compute the pension, DCRG, and other terminal benefits of the applicant treating Annexures A4, A5, A6 and A10 did not exist and make available to the applicant the entire monetary benefits without making any deduction. The above exercise shall be completed and monetary benefits made to the applicant within two months from the date of receipt of a copy of this order. The applicant shall be entitled to interest as per rule on the amount of withheld DCRG. No costs."

2 Despite stipulation of time, according to the applicant, he did not receive the money on time and even whatever has been paid was also not the full amount. When the matter was taken up with the Pension Adalat, the respondents have paid a sum of Rs.8779/- towards interest on DCRG in December, 2005. The applicant having found that still further amounts to be paid were withheld, he approached this Tribunal seeking following reliefs:-

Direct the respondents to revise the applicant's pension, commuted value of pension, leave encashment and other retirement benefits in terms of Annexure A1 and direct further to grant the same, with all consequential arrears arising there from.

Direct the respondents to calculate and grant interest at the rate of 12% to be computed annually, on the arrears of pension, commuted value of pension, leave encashment and other retirement benefits with effect from 1.6.2002, up to the date of full and final settlement of the same.

3 The respondents have filed counsel statement giving certain details about the payment and submitted that the respondents have released the entire amount due to the applicant. The details of the entire payment made

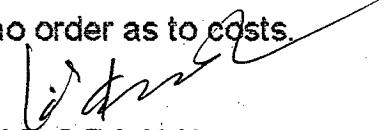
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and their break up were requisitioned, another counsel statement has been filed on behalf of the respondents giving the break up wherefrom it is seen that a sum of Rs.77,410/- was withheld of Gratuity due to alleged over payment of salary and allowances. It is on this amount that the applicant now claims interest.

4 Respondents could not explain as to how the delay had occasioned. When the difference in pay etc had earlier been worked out, it was incumbent upon them to release the DCRG and other payments and this being the second round of litigation, the applicant is entitled to interest on the delayed payment of Rs.77,410/. The applicant has approached this Tribunal earlier in 2003 and the order was passed on 10/12/2004 directing the respondents to pay full amount within two months. Had the said amount been paid according to the order, even then interest would have been payable as per rules.

5 As a matter of fact a sum of Rs.8779/- as interest on DCRG was paid in accordance with the said order. The respondents are therefore liable to pay interest at the rate on which earlier interest was calculated and pay. Respondents are therefore directed to work out interest at the rates as per the rules on Rs.77,410/- for the period till 30/6/2006 and pay the same to the applicant within a period of ten weeks from the date of receipt of copy of this order.

6 In the facts and circumstances of the case, no order as to costs.


K.B.S.RAJAN
JUDICIAL MEMBER

abp