

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Original Application No.96/2008
This, the 19th day of September 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Jagat Narain Sinha, aged about 67 years, S/o Late S.P. Srivastava, Resident of C/o V.N.L. Srivastava R/o C-10, L.I.C. Colony, Aliganj, Lucknow.

...Applicant.

By Advocate:- Shri D.P. Awasthi.
Versus.

1. Union of India through Secretary, Ministry of Railway, Railway Board, Govt. of India, New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

... Respondents.

By Advocate:- Shri V.K. Khare.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed the OA with a prayer to direct the respondents to make payment of claimed interest amounting to Rs. 73,323/- to the applicant on delayed payments of retiral benefits on following grounds:-

- 1). The respondents have made payment of retiral dues after inordinate delay, which resulted in loss of interest beside mental harassment to the applicant.
- 2). The delay in payment of retiral benefits caused on the part of the respondents, which is intentional and deliberate.
- 3). When the existing Railway rules permits maximum permissible delay for a period of three months, the respondents caused delay for a period of 16, 11 and 7 months in payment of retiral benefits to the applicant.
2. The respondents have filed Counter Affidavit, denying the claim of the applicant stating that the claim of the applicant is barred by limitation and

~

also on the ground that such delay caused because of the applicant's representations Dt. 29.06.2000 and 29.12.2000 (Ann.-C-1 and C-2) for getting a chance of option to fix his pay from the date of lower grade and thus, denied the claim of the applicant.

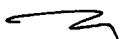
3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. The admitted facts of the case are that the applicant retired on 30.6.2000 after attaining the age of superannuation. As per the Railway rules three months maximum period is permissible for release of retiral dues. It is the case of the applicant that he received the retiral benefits with inordinate delay. Admittedly, he received DCRG and Commutation of Pension on 31.10.2002 and (Ann-2) is the copy of the cheque. He received arrears of pension of Rs. 60,740/- on 6.6.2001 whereas, leave encashment of Rs. 1,68,564/- on 22.2.2001 and (Ann.-A-3) is the copy of the Pass book. Thus, it is the case of the applicant that there was delay of 16 months in payment of DCRG and Commutation of Pension. Delay of 11 months in payment of arrears of pension and 7 months delay in respect of payment of leave encashment. Thus, he claimed interest on such delayed payments.

6. It is the case of the respondents that the said delay occurred only because of the request or representation of the applicant for getting a chance of option to fix his pay from the date of lower grade and because of such representation Dt. 29.06.2000 (Ann-C-1) and Dt. 29.12.2000 (Ann.-C-2), there was delay in payment of retiral benefits and thus, justified their action.

7. Admittedly, the applicant made representation on 29.6.2000 i.e. one day before his retirement, requesting the Respondent No.3 for his option for fixation of his pay in grade Rs.550-750 w.e.f. 01.04.1984 i.e. From the date of his next increment in the substantive grade may kindly be considered by condoning the delay and he may be allowed to avail subsequent benefits in



subsequent promotion arising out of the aforementioned revision of the pay. Thereafter, he also made another representation Dt. 21.12.2000 (Ann-C-2) under which, he requested the authorities that the process of fixation may kindly be expedited so that I may get all the pensionary benefits early. From the combined reading of Ann.-C-1 and C-2, it is clear that one day before his retirement the applicant himself made representation to the authorities for his option in fixation of pay w.e.f. 01.4.1984 and thereafter he made representation Dt. 21.12.2000 i.e. after about 11 ½ months of his retirement, asking the authorities for process of fixation and thereafter only the authorities taking the matter. From this it is clear that at the instance of the applicant, delay caused in fixation of pay of the applicant, which consequently delayed in finalization of the retiral benefits of the applicant for which finding fault with the authorities is not at all justified.

8. It there was any delay after his representation, he is justified in claiming interest on such delayed payments. The respondents have paid all the retiral benefits during the year 2001 and for any delay, after his last representation (Ann-C-2) Dt. 21.12.2000, he is entitled for interest on such delayed payment.

9. In view of the above circumstances the claim of the applicant in respect of interest on delayed payment from 01.01.2001 till the date of payments is justified and as such, the OA is partly allowed with a direction to the respondents to pay interest @ 8 % on delayed payment of retiral dues of the applicant from 01.01.2001 till the payment of respective amounts within 3 months from the date of supply of the copy of this order. No costs.


(M. KANTHAIYAH)
MEMBER (J)

19-09-08