

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW

Original Application No. 64/2010

This, the 2nd day of September, 2011

HON'BLE JUSTICE ALOK KUMAR SINGH, MEMBER (J)

Jagram, aged about 66 years son of late Bahau, r/o Village Dullapur, P.O.,
Katehri, District- Ambedkar Nagar, retired from the post of Station
Superintendent, Northern Railway, Barabanki.

Applicant.

By Advocate: Sri Raj Singh

Versus

1. Union of India through the General Manager, Northern railway,
Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj,
Lucknow.
3. Senior Divisional Operating Manager, Northern Railway, Hazratganj,
Lucknow.
4. Senior Divisional Commercial Manager, Northern Railway,
Hazratganj, Lucknow.
5. Senior Divisional Personnel Officer, Northern Railway, Hazratganj,
Lucknow.

Respondents.

By Advocate: Sri Amar Nath Singh Baghel for Sri M.K. Singh

ORDER (Dictated in Open Court)

By Hon'ble Shri Justice Alok Kumar Singh, Member (J)

This O.A. has been filed for quashing the impugned order dated
25.8.2009 (Annexure A-1) to the extent it relates to recovery of Rs.
4020/- as commercial debit as well as payment of amounts towards
Group Insurance, Transfer and Packing Allowance and difference of
salary for the period w.e.f. 12.9.1997 to 20.10.1997. Further, a direction
has also been sought for payment of an amount of Rs. 37,248/- in lieu of
complementary passes for two years. Further, interest on delayed
payment of retrieval dues has also been sought @ 12/- per annum.

2. Heard the learned counsel for parties and perused the material on
record.
3. Indisputably, the applicant retired on 31.3.2004. Unfortunately, a
departmental enquiry was proceeded against him on the date of retirement
itself, which was subsequently withdrawn on 29.9.2005. As the retrieval

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dues were not paid, the applicant filed O.A. No. 351/2007 which was finally disposed of with a direction to the respondents to consider and settle his pensionary benefits. But it is said that compliance was not made within time. Therefore, the applicant had filed a contempt petition. But during the pendency of contempt petition, the respondents have passed a detailed order on 25.8.2009 in compliance of order dated 23.1.2008 passed in the aforesaid O.A. No.351/2007. By means of this order, the details of payment made on account of eight separate heads have been indicated in a tabular form. These heads include Death-cum- retrial gratuity, Provident Fund, Group Insurance, Leave Encashment, Commutation of Pension, Transfer and Packing Allowance, Pension and salary of suspension period from 12.9.97 to 20.10.97.

4. At the time of filing of this O.A., some payments were not actually made, though the same were shown in the order. Therefore, under para 8(ii), certain reliefs regarding actual payment of such dues was sought. But now, it is conceded that some of those payments have actually been made during the pendency of this OA. as has also been pleaded in the C.A. This is another matter that this actual payment was made in furtherance of some interim direction given by this Tribunal. Now, the dispute remains in respect of the following matters:-

- i. Quashing of impugned order dated 25.8.2009 so far it relates to recovery of Rs. 4020/- as commercial debit;
- ii. Payment of interest on account of delayed payment.

5. As far as the aforesaid amount of commercial debit is concerned, it is pointed out and rightly so that the calculation sheet showing the last pay of the applicant (Annexure 3) would reveal that this amount of Rs. 4030/- has already been deducted. In this sheet, a total salary has been shown to Rs. 16,251/- from which a deduction was Rs. 5246/- including aforesaid amount of Rs. 4030/- has been made and thereafter, residual amount of Rs. 11005/- has been paid. From the other side, there is a vague denial in the C.A. but the learned counsel for the respondents fairly

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concedes this point during the course of arguments. Therefore, this point is decided accordingly in favour of the applicant and necessary order in this regard would be passed at the end of this judgment.

6. Now, we come to the question of payment of interest and its rate. It is a matter of common knowledge that normally, three months time limit has been provided for payment of gratuity amount, leave encashment, Group insurance, Provident Fund and Commutation of Pension.

7. As mentioned above, the applicant retired on 31.3.2004. But some delay was caused in payment of following retiral dues as indicated hereinbelow:-

		Date of Payment
i)	DCRG (Gratuity)	- 4.9.2008
ii)	Leave Encashment	- 19.2.2006
iii)	Group Insurance	- 26.5.2010
iv)	Provident Fund	- 6.4.2004

8. Besides, there is a pleading, in respect of delayed payment of Commutation of Pension which ought to have been paid on the next date of retirement. It was paid on 12.4.2006.

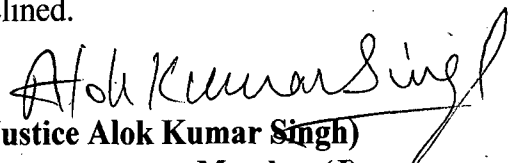
9. In view of the above, it appears expedient in the interest of justice to accord direction to the respondents to make payment of interest on the aforesaid four items, i.e. Gratuity, leave encashment, Group Insurance and Provident Fund after expiry of three months from the date of his retirement i.e. after 30.6.2004, till the actual payment was made. Similarly, in respect of payment of commutation of pension, the interest is required to be paid from the next date of retirement i.e. 1.4.2004 till the actual payment is made.

10. As far as rate of interest is concerned, keeping in view that the applicant has been kept deprived from getting his retiral dues well within time, which have also caused him mental agony and lot of inconvenience, it would meet the ends of justice if the interest is paid @ 8% per annum which is payable in respect of payment of Provident Fund.

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11. In view of the above, O.A. is partly allowed with cost. The impugned order dated 25.8.2009 (Annexure 1) is quashed so far it relates to the recovery of Rs. 4020/- as commercial debit. The rest of this order shall remain intact. The respondents are further directed to make payment of interest of 8% per annum on the amount of delayed payment of aforesaid retiral benefits from the dates and till the dates as indicated and discussed above.

12. The relief in respect of granting an amount in lieu of complimentary passes for two years etc. is declined.


(Justice Alok Kumar Singh)
Member (J)

2.9.11

HLS/-