

Central Administrative Tribunal, Lucknow Bench,

Lucknow

Original Application No. 288/2008

This the 19th day of March, 2010

Hon'ble Dr. A.K. Mishra, Member(A)

J.D. Vishwakarma, Aged about 69 years, S/o late Sri Ram Jeevan Vishwakarma, R/o 555/99/13/1, New Ashotosh Nagar, Post Manak Nagar, Lucknow.

.....Applicant

By Advocate: Sri Rajesh Ojha

Versus

1. Union of India through G.M., N.E.R., Gorakhpur.
2. D.R.M., N.E.R., Lucknow.

.....Respondents

By Advocate: Sri S.M.S. Saxena

ORDER (Oral)

Heard the learned counsel for the parties.

2. It is the case of the applicant that although retiral dues of the applicant have been paid following the directions of this Tribunal in its order dated 20.10.2000 in O.A. no. 468 of 2000, no interest has been paid in respect of delayed payment of balance gratuity and leave encashment amount. He is placing reliance on letter dated 16.10.1997, which was issued by the Railway Board in connection with implementation of Railway Servants (Revised pay) Rules, 1997. The applicant retired from service on 31.10.1997. According to him, the contention of the respondents that no interest is payable in terms of Railway Board's instructions contained in Rules 87 (4) of Railway Servants (Pension) Rules, 1993 does not hold water as the provisions of the

rules relate to the cases where a policy decision is taken by the Government regarding revision of pay after retirement of an employee. But, in his case, he had retired prior to implementation of pay revision. As a matter of fact, he had drawn his salary for the month of October, 1997 as per the revised pay. He is also getting the pension on the basis of revised pay; therefore, he is entitled to payment of interest in respect of delay which had taken place in payment of revised gratuity.

3. The learned counsel for the respondents agreed¹ that this matter will be examined by the competent authority if an appropriate representation is made by the applicant.

4. The applicant is, therefore, directed to make a comprehensive representation, alongwith a copy of this order, enclosing the documents on which he is placing reliance before the competent authority (respondent no.2). The competent authority is also directed to dispose of his representation on merits in accordance with the provisions of rules/government instructions governing the subject in a speaking order within a period of three months from the date the representation is filed before him.

5. The O.A. is accordingly disposed of. No costs.

(Dr.  A.K. Mishra)
Member-A]