

**Central Administrative Tribunal  
Lucknow Bench Lucknow**

**OA. 60/09** M.P.No.545/2007  
In

Diary No.536/2007  
This, the <sup>06<sup>th</sup></sup> day of February 2009

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

1. Bandhan, aged about 63 years, son of late Mukha Ram, resident of 179, Samar Vihar Colony, Near Manak Nagar, Railway Station, Alambagh, Lucknow.
2. Samar Singh Yadav, aged about 63 years, son of late Agan Singh, resident of R-60, Nehru Enclave, Gomti Nagar, Lucknow.

...Applicant.

**By Advocate:- Shri A.R. Masoodi.**

Versus.

1. General Manager, North Eastern Railway Zone, Gorakhpur.
2. General Manager, East Central Railway, Hajipur, Bihar.
3. Divisional Railway Manager Commercial, North Eastern Railway, Divisional Office, Ashok Marg, Lucknow.
4. Divisional Railway Manager, Samastipur, Bihar.

... Respondents.

**By Advocate:- Shri Ajmal Khan.**

**ORDER**

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

The applicant 1 and 2, have jointly filed the OA, claiming interest upon delayed retrieval dues stating that in similarly

situated claim of Sri Jag Lal, the authorities allowed interest.

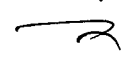
The applicants filed Joint application under Section 4 (5) of Administrative Tribunal Act, 1985 stating that their claim is one and the and also the cause of action is common.

2. The respondents have filed objections opposing the claim of the applicants and also stating that the joint application is not maintainable.

3. Heard.

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

5. The admitted facts of the case are that the applicant no.1 retired on 30.09.2004 while working on the post of Chief Traveling Ticket Inspector (CTTI) at Muzafferpur Junction, Eastern Central Railway, whereas Applicant No.2 retired on 31.12.2003 on the same post of CTTI, while working at Lucknow Junction, NE Railway on attaining their respective superannuation. During the year 2000, because of irregularities against the applicants by Vigilance department, disciplinary proceedings were conducted against them due to the said reason, all the retrial benefits of the applicants have not been paid in total. It is also not in dispute that the proceedings against the applicant no.2 was dropped vide order dt.3.10.2005 (Ann.-A-2) and whereas, the applicant no.1 was

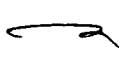


exonerated vide order dt. 13.10.2005 (Ann.-A-1) i.e. subsequent to the retirement of the applicants.

6. It is the case of the applicants that an amount of Rs. 7,53,960/- was fell due to the applicant no.1 towards his retrial dues out of which an amount of Rs. 4,19, 164/- was paid on 5.12.2005 an amount of 3,34,696/- was paid on 12.5.2006. Coming to the applicant no.2, total amount of Rs. 3,96,606/- was with held and out of which an amount 3,72,606 was paid to him on 25.1.2005 and fell due of the remaining amount of Rs. 24,000/-.

7. It is the case of the applicants that without any valid reasons the authorities have delayed the payment of retrial benefits to them and as such they are entitled for interest on delayed payment and they also made representation to the department. In the case of Sri Jag Lal, who is also similarly situated person alongwith these applicants and in his case the department paid interest on the delayed payment of retrial benefits and as such, the applicants claimed interest on the delayed payment of retrial dues.

8. The respondents have taken objection for joint prosecution of the case on the ground that the applicant no.1 and 2 retired from different railways and on different dates and further the disciplinary proceedings against them are also different and in the case of applicant no.2 the disciplinary



proceedings has been dropped by Sr. DPC, Lucknow whereas the proceedings against applicant no.1 was exonerated by DCM, Samastipur, ECR and thus, opposed the joint application. In respect of the claim of the applicants, they stated that the applicants never made any representations and not exhausted the departmental remedies and as such their claims are liable to be dismissed as premature.

9. Ann.A-1 dt. 13.10.2005 is the proceeding issued by Divisional Commercial Manger, Samastipur in respect of applicant no.1, exonerating him for the charges leveled against him after considering his representation whereas, Ann-A-2 dt. 3.10.2005 is in respect of applicant no.2 issued by SR. DCM, Lucknow, dropping the disciplinary proceedings initiated against him and, it is clear that the disciplinary proceedings initiated against the applicant no.1 and 2 are different by different authorities and whereas the proceedings against applicant no.2 was dropped and in the case of applicant No.1, he was exonerated after consideration of his representation and in such circumstances, arising of common cause of action for both the applicants for persecuting the case in common OA by filing joint application is not at all maintainable.

10. Further, it is not at all the cases of the applicants that they have made any joint representation for consideration of

their respective claims for payment of interest on delayed payment of retrial benefits and admittedly, no documents have been filed to show that they have made any such representation either jointly or individually to the respective authorities and in such circumstances, their joint application for prosecution of the case in common OA is not at all sustainable and as such, the same is liable for dismissal.

In the result, M.P.No.545/2007 joint application for common OA is dismissed. No costs.

  
**(M. KANTHAIAH)**  
**MEMBER (J)**

06.02.2009

AMIT/.