

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

O.A 373/2010

This the 20<sup>th</sup> day of May, 2013

Hon'ble Shri Navneet Kumar, Judicial Member

J.D. Vishwakarma aged about 69 years  
Son of late Sri Ram Jeevan Vishwakarma,  
Resident of 555/99/13/1 New Ashotosh Nagar,  
Post Manak Nagar, Lucknow

.....Applicant  
(By Advocate Shri R. Ojha)

V E R S U S -

1. Union of India through General Manager,  
North Eastern Railway, Gorakhpur
2. Divisional Railway Manager,  
North Eastern Railway, Lucknow

.....Respondents

(By Advocate Shri Rajendra Singh)

**O R D E R**

Present original application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

“1(A) To quash the impugned order dated 14.06.2010 passed by O.P. No.2

(a) To direct the opposite parties to pay the adequate interest at the rate of 18% on D.C.R.G. and leave encashment amounting to Rs.2,53,329/- from 01.11.1997 to 30.04.2001 the period during which the amount was not paid and was retained illegally by the opposite parties.

(b) To direct the opposite parties to provide calculation chart of interest as per rule under which the amount interest of Rs.34,529 was paid to the applicant.

(c) To direct the opposite parties to pay heavy cost of this application.

(d) Any other relief which this Hon'ble Tribunal may deems just and proper in circumstances of the case be also passed.”



2. Brief facts of the case are that the applicant superannuated from his service on 31.10.1997. He claims that he should be paid interest on the amount of his DCRG for delayed payment. Ld. counsel for the applicant pointed out that the applicant retired on 31.10.1997, but his DCRG, Leave Encashment were not paid in time. Even after orders of the Tribunal adequate DCRG which was required to be paid to the applicant was not paid. Hence the applicant preferred the present original application.

3. Ld. counsel for the respondents has not filed any reply.

4. Ld. counsel for the applicant filed an amendment application for taking representation dated 30.03.2010 on record. Along with that the applicant has given the details of wrong calculation of his DCRG by the respondents.

5. Heard ld. counsel for the parties and perused the records.

6. Brief facts of the case are that the applicant was in service and he superannuated on 31.10.1997. When he was not paid his DCRG after retirement, he preferred an original application before this Tribunal bearing No.O.A.468 of 2000 which stood disposed of vide order dated 11.10.2002 wherein the Tribunal passed the following orders:-

“7. Accordingly, the O.A. is allowed. The respondents are directed to pay the balance amount of Rs.10,000/- which was withheld by the applicant in terms of the order passed by this Tribunal dated 20.10.2000 with interest @ 10%.....(not legible) the date of actual payment as per rules within a period of four months. • No costs.”

After that DCRG and Leave Encashment were paid to the applicant the opposite party also paid a sum of Rs.10000/- and Rs.2449/-. The applicant again being aggrieved preferred an O.A.No.100 of 2007 which was disposed of on 10.01.2008 with the following orders:-

“5. The admitted facts of the case are that the applicant earlier filed OA No.468/2000 for release of DCRG and leave encashment alongwith interest whereas, the present OA is only in respect of interest on amount of Rs.2,53,329/- towards DCRG and leave encashment and as such both the claims are not one and the same. Admittedly, the respondents have paid DCRG and leave encashment amounting to Rs.2,53,329/- on 30.4.2001, which was during the pendency of O.A.No.100/2007. It is not in dispute that respondents have not paid any interest on such delayed payment inspite of representations and also when there was no response from the respondents authorities, the applicant constrained to file this

OA for payment of interest on Rs.2,53,329/- from 01.11.1997 to 30.04.2001 as per rules and with such directions, the O.A. is disposed of. No order as to costs."

After the said orders of the Tribunal the amount of interest was calculated and accordingly the applicant was paid a sum of Rs.34,592/- as interest on delayed payment of DCRG which according to the applicant is inadequate.

7. Since prayer for grant of interest has already been considered by the respondents as per the directions of the Tribunal and the amount of interest has already been paid to the applicant, at this stage entering into the question of quantum of the interest amount is unjustified. As such, I am not inclined to interfere in the present original application.

8. Accordingly the O.A. is dismissed. No order as to cost.

Mr. Afzal  
(NAVNEET KUMAR)  
MEMBER(J)

s.b