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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH,
LUCKNOW.

O.A.No.2 of 1991.

Dr.R.S.Lakhtakia Applicant.

Versus

Union of India & others Respondents.

Hon'ble Mr.Justice U.C.Srivastava, V.C.

(By Hon'ble Mr.Justice U.C.Srivastava, VC)

By means of this application, it has been prayed by the applicant that provident fund to the tune of Rs.31,703-35P and gratuity Rs.14,510-11P with interest on this amount at the rate of 12% till the date of payment ~~will~~^{be} be paid to him. The applicant retired on 31.7.89 as Chief Medical Superintendent in Senior Administrative Grade and as per rules of the Railway Board, payment of his settlement dues along with interest should have been made on the day of his retirement or soon thereafter and in any case within two months from that date and if the payment was to be made thereafter, he was entitled to get interest on the amount which was ^{so} withheld. According to him, there was abnormal delay in making payment in-as-much-as the amount of provident fund was remitted to him on 12.3.90 that means seven months thereafter and similarly gratuity was paid to him atleast one year and one month after his retirement and as such he is entitled to the interest for the delayed payment.

2. The respondents have opposed the prayer of the applicant and according to them, the post retirement settlement of all dues of the applicant was made to the applicant within the earliest

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possible period and the delay in payment of all settlement dues, if at all, was only due to non-furnishing of his correct address, as the payment within a fortnight of his date of retirement by cheque which was sent to him at the address given by the applicant, was made and as such the applicant is not entitled to any interest. The cheque which was sent to the applicant, was received back with the postal remark 'returned to sender as left without address'. Later on, in February, 1990 on the request of the applicant, the said amount of Rs.3,62,234/- was reaudited and was released through cheque dated 1.3.90 and was sent at the fresh address given by the applicant and as such there was no delay. So far as the payment of D.C.R.G. amounting to rupees one lac is concerned, as there was some dispute regarding the retention of railway quarter allotted to the applicant and the rent thereof, the dispute regarding the excess local call charges on the post and telegraph phone provided to the applicant by the Railway Administration for essential calls amounting to Rs.46,520/-, electric-charges and income-tax, the total amount of DCRG could not be paid to the applicant unless and until all the dues were accommodated, adjusted, accounted for. For the release of the entire amount of DCRG of the applicant, every effort was done by the Railway Administration as it would be evident from the documents which have been filed along with the reply. It was due to that that the disputed amount was withheld and the balance was already paid to him.

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3. From the facts, as stated above, it is clear that so far as the payment of provident fund is concerned, every effort was made by the respondents to make the payment to the applicant within time and a cheque for Rs.3,62,234/- was sent to the applicant at the address given by him but the same was not delivered by the postal authorities due to non-furnishing of correct address by the applicant. Accordingly, the respondents are not liable to pay any interest on the said amount of provident fund as claimed by the applicant. So far as the amount of DCRG which was withheld by the respondents is concerned, ultimately the total amount of post and telegraph bills towards excess calls was found due as Rs.2410/- and not more than that. The deduction for retention of the quarter should not have been done from the DCRG amount and the respondents wrongly withheld the amount of DCRG and accordingly, in respect of sum of Rs.43,000/- the applicant is entitled to get interest at the rate of 10% after the date of retirement upto the date of payment. The respondents are entitled to get rent and certain other dues and the same may be deducted from the interest payable to the applicant. Accordingly, the respondents are directed to calculate the interest payable to the interest at the rate of 10% after the date of retirement upto the date of payment and the respondents are entitled to deduct the arrears of rent and income-tax dues if any due on the applicant. ^{as was also been agreed during the course of response} Let it be done within a period of three months from the date of communication of this order. With the above observations, the application is disposed of without any order

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as to costs.



VICE CHAIRMAN.

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