

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

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Registration C.A. No. 71 of 1991

Prem Narain Misra     ...     ...     ...     Applicant.

Versus

The Union of India  
and others     ...     ...     ...     Respondents.

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Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, V.C.)

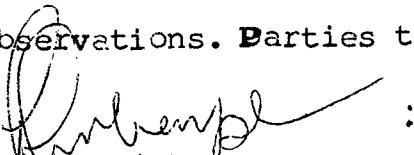
The applicant has been retired from the service after completing 41 years of service on 30.6.1990 from the Post of Assistant Mechanical Engineer, Lucknow Division, Northern Railway, Lucknow, but the pensionary and other benefits have not been given to the applicant by the respondents that is why he has approached this Tribunal. He has not been paid gratuity and commutation of pension.

2. The respondents have refuted the claim of the applicant and have stated in their counter affidavit that the payment of provisional pension to the extent of 100% has been made under the rules, vide order dated 27.8.1990. The payment of gratuity and commutation of pension will be made to him after the finalisation of D.A.R. case pending against him with Head Quarters office at New Delhi. But the applicant in his rejoinder affidavit has denied the assertion of the respondents and has stated that no enquiry was held against the applicant and no charge-sheet has been served on the applicant, several years after retirement, and that is why the respondents have paid him the entire amount of pension and commutation amount and gratuity also.

(A2)

As no enquiry was pending against the applicant and no charge-sheet was served upon him, obviously, the applicant was entitled to get all these amounts soon after retirement, but the same was not done, therefore, he was wrongfully deprived to get the same.

3. Accordingly, the respondents are directed to pay him interest of all these amounts with the rate of 10% ~~15%~~ after the expiry of three months from the date of retirement upto the date of payment, and this payment shall be made within the period of three months from the date of communication of this order. The application is disposed of with the above observations. Parties to bear their own costs.

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Member (A)

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Vice-Chairman

Dated: 24.6.1992  
(n.u.)