

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH: PATNA

Registration No.OA 357 of 1996

(Date of decision 3.1997)

Gopal Das,

S/o Late Paras Nath,

Retired Chief Inspector Ticket,

Danapore, Eastern Railway Applicant

By Advocate Shri R.N.Sahai.

Versus

1. The Union of India, Ministry of Railways
(Rail Mantralaya) Railway Board, New Delhi.

2. The General Manager, Eastern Railway,
having its office at Netajee Subhas Lane,
Calcutta-A.

3. The Divisional Railway Manager/Danapore,
having its office at Danapore, P.O.Khagaul,
District Patna, State (Bihar).

..... Respondents

By Advocate Shri Gautam Bose.

Coram: Hon'ble Mr. Justice V.N.Mehrotra, V.C.

O R D E R

Hon'ble Mr. Justice V.N. Mehrotra, V.C.

This OA has been filed by the applicant *for* directing that the respondents be required to pay interest for the delayed payment of the amount of DCRG.

2. The applicant was a Railway servant and retired from the post of Chief Inspector (Ticket), Eastern Railway, Danapore in the afternoon of 31.1.1994. An amount of

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Rs.38610/- was sanctioned as Gratuity to be paid to him out of which an amount of Rs.35000/- was withheld and the remaining amount was paid to him on 8.2.1994. It is alleged that out of the amount of Rs.35000/- so withheld, he was paid Rs.32013/- on 24.6.1994 after he had made a representation to the authorities concerned. The amount of Rs.4647/- was later on paid to him on 28.7.1995. The applicant has asserted that the amount should have been paid to him within three months of his retirement but as the payment was delayed due to no fault of his, he was entitled to get interest @ 16½ per cent.

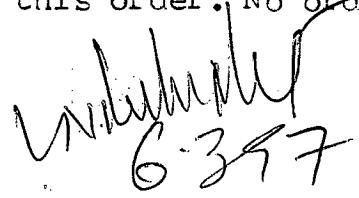
3. On behalf of the respondents the facts have not been disputed. It has, however, been asserted that delay in payment of DCRG was caused as the commercial dues were to be verified. As regards the amount of Rs.4647/-, it is said that the same was withheld because it was thought that some excess payment had been made to the applicant but when it was found that there was no such excess payment, the amount was later on paid to the applicant.

4. I have heard the learned counsel for the parties and have perused the material on record. Under Rule 87 of the Railway Servants (Pension) Rules, 1993, payment of interest on the amount of Gratuity in case the payment is authorised after three months from the date when this payment became due, has been provided. In the present case, there is no allegation that the applicant was to be blamed for the delayed payment. The delay might have been caused due to the alleged verification of commercial dues and also for some mistaken notion that the amount of Rs.4647/- had been over-paid to the applicant. But the fact remains that it was not the applicant who failed to comply with the procedure laid down in the pension rules or there was any other fault on his part.

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Under the circumstances, the applicant was entitled to claim interest on the amount of delayed payment of Gratuity. In my view interest @ 12% per annum should be allowed to the applicant.

5. This OA is allowed to the extent that the respondents shall pay interest @ 12% per annum to the applicant on the amount of Rs.35000/- for the period 1.2.1994 to 24.6.1994 and shall further pay interest at the same rate on the amount of Rs.4647/- from 25.6.1994 to 28.7.1995. The amount of interest shall be paid within three months of the receipt of a certified copy of this order. No order as to costs.


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(V. N. MEHROTRA)
VICE-CHAIRMAN