

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 10/89

198

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DATE OF DECISION 9.7.1991

Smt. S. K. Gupta Petitioner

Mr. H. J. Acharya, Advocate for the Petitioner(s)

The Union of India and ors. Respondent

None Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M. Y. PRIOLKAR, MEMBER(A)

The Hon'ble Mr. T. C. REDDY, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*



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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

ORIGINAL APPLICATION NO: 10/89

Smt. S. K. Gupta,
Asstt. Matron. Gr. II,
J. R. Hospital, Bombay
Central, Bombay - 8, (Retired)
Resident B/13, Abhilasha Apt.
Shivaji Road, Kandivili, (W)
Bombay - 400067

.... Applicant

Vs.

The Union of India and others

.... Respondents

CORAM : HON'BLE MEMBER SHRI M.Y.PRIOLKAR, Member (A)

HON'BLE MEMBER SHRI T.C.REDDY, MEMBER (J)

Appearance :

Mr. H. J. Acharya, Adv,
for the applicant.

None for the Respondents

ORAL JUDGMENT

(Per M.Y. Priolker, Member (A))

DATED 1 9.7.1991

The grievances of the applicant in this case is regarding delayed payment of her retirement dues. Admittedly, DCRG amount Rs.40950/- was paid only on 26.9.1987 although, there is no dispute that it should have been paid latest within 3 months of her date of retirement, i.e. on or before 9.5.1987. We accordingly direct that the interest at 7 % be paid on this amount for the period 10.5.1987 to 25.9.1987.

2. The applicant has also prayed for refund of excess recovery of FSC charges of Rs.1,823/-. According to her, the charges had been recovered at the rate of 3 paise per 100 instead of correct rate of 2 paise per 100/-.

Rule 2(2) 80 of the Indian Railway Establishment manual, was shown to us, according to which the recovery is to be made at the rate of 2 paise per 100/- per day. Regrettably the counsel for the respondent is not present today and a junior employee of the Railway Administration who was present was not in a position to clarify the position and frankly admitted that he did not know anything about this rule. In the written reply, except for a bland statement the charges have been recovered correctly, no further explanation has been given by the respondent, in reply to the specific provisions quoted by the applicant in paras 6.5, 6.6, and 6.7, of her application, in support of her contention. In the absence of the respondent's counsel or any other representative who could have explained why these provision are not applicable if that is the stand of the Railway Administration, we have no option but to direct that the excess amount be refunded to the applicant alongwith interest at the rate of 10 percent thereon from the date of filing this application viz. 28th December 1988 to the date of actual payment.

3. Regarding items C and D of the relief clause 9.5 of the application, namely the amount of Rs.500 as security deposit and also Rs.196 from DCRG, which are withheld by the respondent for the privilage passess wrongly issued to the applicant, since the applicant has already taken the benefit of the passess for which admittedly she was not entitled under the rules, we do not wish to give any relief to the applicant for this excess payment which has already been recovered by the respondent.

Although the applicant also prays for payment of interest on delayed amount of Rs.900/- of DCRG, we are not inclined to grant this prayer since the excess payment towards the privilege passes wrongly issued, has been recovered now but without interest by the Railway Administration.

4. The last prayer is for interest on delayed payment of provident Fund. This amount became due on the date of retirement of the applicant viz. 10.2.1987 and was actually paid on 21.7.1987 with interest. But the interest should have been paid upto 10.8.1987. Since this additional period for which interest is payable is negligible, being less than one month, we are not inclined to grant any interest for this delay.

5. With these directions the application is disposed of. There is no orders as to cost's.

T.C. REDDY
(T.C. REDDY)
MEMBER(J)

M.Y. PRIOLKAR
(M.Y. PRIOLKAR)
MEMBER(A)