

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 681/2000

Date of Decision : 29.6.2001

P.G. Agarwal Applicant

Smt. P.C. Jha Advocate for the
Applicant.

VERSUS

Union of India & Ors. Respondents

Shri V.S. Masurkar Advocate for the
Respondents

CORAM :

The Hon'ble Smt. Shanta Shastri, Member (A)

- (i) To be referred to the reporter or not ?
- (ii) Whether it needs to be circulated to other
Benches of the Tribunal ?
- (iii) Library ✓

Shanta F
(SMT. SHANTA SHASTRI)
MEMBER (A)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.681/2000

Friday this the 29th day of June,2001.

CORAM : Hon'ble Smt.Shanta Shastry, Member (A)

Prakash Ghanshyam Agarwal,
Nominee of Late Shri R.G.Desai,
Waiter, Chief Catering Inspector,
Catering Bombay Central,
C/o.Mrs.Prem Lata Jha,
Room No.22, 4th Floor,
Esplanade Mansion, 144, M.G.Road,
Fort, Mumbai.

...Applicant

By Advocate Smt.P.C.Jha

vs.

1. Union of India through its
General Manager, Western Railway,
Churchgate, Mumbai.

2. Divisional Railway Commercial
Manager, (Catering),
Western Railway,
Bombay Central, Mumbai.

...Respondents

By Advocate Shri V.S.Masurkar

ORDER (ORAL)

{Per : Smt.Shanta Shastry, Member (A)}

The reliefs claimed in this OA. are to direct the respondents to pay the amount of Group Insurance Scheme and DCRG due to Late Shri R.G.Desai and to pay interest at the rate of 18% on the amount from the date of death of Shri R.G.Desai.

2. The respondents have now made the payments as follows :-

DCRG : Rs.33,646/- vide order dated 2.3.2001

CGEIS : Rs.18,458/- vide order dated 20.4.2001

The balance amount of Rs.5,000/- was kept in deposit from the amount of DCRG. It transpires that there was an over payment of Rs.3,603/- made to the applicant. There was some delay and finally after recovering the aforesaid amount, the balance amount of Rs.1,397/- has been paid to the applicant according to the respondents. Now, the only point that is left is of interest on the delayed payment. It is clear that payments have been delayed and the applicant is entitled to interest on the same. (b) According to the CCS (Pension) Rules, 1968 gratuity becomes payable immediately on retirement and if there is a delay beyond three months then interest becomes payable at graded rates. It is not clear whether Railways have prescribed any specific rates of interest to be paid for delay. [I hold that the interest, therefore, shall be payable on the delayed payment to the applicant in respect of the DCRG at the rates prescribed, if any, by the Railways. In the absence of the same, interest shall be payable at the rate of 9% from the date the gratuity was due upto the date of actual payment. Similarly, interest shall be payable at the rate of 9% in respect of CGEIS from the date due till the actual date of payment. The same shall apply in respect of the balance amount also. The respondents shall pay the interest accordingly within a period of two months from the date of receipt of a copy of this order. The OA. is disposed of accordingly. I do not order any costs.



(SMT. SHANTA SHASTRY)

mrj.

MEMBER (A)

C.P./No: 35/02

For orders

Fixed on

26/4/02

Sh
9/4/02

⑤ 26. 4. 2002.

None present on behalf of applicant. From averments made in the C.P. we are satisfied that the prima facie case is made out against Respondent No. 2 Shri Jaykumar Singh for wilful disobedience of the order of Tribunal.

Let notice be issued to Respondent No. 2 to show cause why he should not be punished for wilful disobedience of order of Tribunal dated 29-6-2001 passed in OA No. 681/2000 "Prakash Gharshyam Aggarwal vs. Union of India & another."

Let the case be listed
on 31. 5-2002.

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(Smt. S. Shastri)
me A)

S. Dikshit
(S. Dikshit)
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None for the Applicant.

Shri V. S. Masurkar appearing for the respondents has produced a letter dated 18/7/2002

addressed to him by

Off. General Manager (E), Headquarter office, Churchgate, Western Railway

regarding payment of interest due on DCRG and G.I.S.

to the applicant in OA-681/2000.

According to this letter, the applicant has been paid
paid an amount of Rs. 14029/-
on 17/7/2002.

Shri V. S. Masurkar submits that the interest has been paid @ 9% as directed by this Tribunal in the aforesaid OA.

Shri V. S. Masurkar also submits that the writ Petition No. 2533/2001 filed by the Respondents in the High Court has been rejected.

In the circumstances, nothing survives, notices are discharged and contempt proceedings dropped.

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(Smt. Shanti Shastri)
M (A)

B. D. Dikshit
(B. D. Dikshit)
V. C.