

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAT

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 Shastry, 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 S.
(SMT. SHANTA SHASTRY)
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. 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 CGEGIS 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.

Shanta
(SMT. SHANTA SHAstry)

mrj.

MEMBER (A)

C.P./No: 35/02

For orders

Fixed on

26/4/02

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 "Pankash Bishnupriya Agarwal vs. Union of India & others".

Let the case be listed

on 31.5.2002.

Sd/
Kanta &
(Cont. S. Shastri)
me A)

S. D.
(B. Dikshit)
VC

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Sd/
3/4
R. K.

19/4/2002 - 7

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, Cherkgate, Western Railway
regarding payment of interest
due on DCRG and C.I.S.

due on OA-681/2000.

According to this letter, the
applicant has been paid
a sum of Rs. 14029/-

on 17/7/2002. Shri V. S. Masurkar submits that
the interest has been paid
@ 9% as directed by this

Mentioned 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
further, notices are discharged
and contempt proceedings dropped.

L-9

(Smt. Shanta Shastri)
M (A)

Shri

(B. Dikshit)
V. C.