

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 306/2001

Date of Decision : 26.11.2001

N.K.Bhitre Applicant

Ms.S.G.Jangam Advocate for the
Applicant.

VERSUS

Union of India & Ors. Respondents

Shri R.R.Shetty Advocate for the
Respondents

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

(i) To be referred to the reporter or not ? Yes

(ii) Whether it needs to be circulated to other ~~Ad~~ Benches of the Tribunal ?

(iii) Library Yes

S.L.JAIN
(S.L.JAIN)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.306/2001

Monday this the 26th day of November,2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Namedeo Kissan Bhitre,
R/at.A-1/16, Shanti Rakshak
Society, Yerwada, Pune.

...Applicant

By Advocate Ms.S.G.Jangam

vs.

1. Union of India,
Through Chairman of Railway
Board, Rail Bhavan,
New Delhi.

2. Central Railway
through General Manager,
Central Railway, C.S.T.,
Mumbai.

...Respondents

By Advocate Shri R.R.Shetty

ORDER (ORAL)

{Per : Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act,1985 for the direction to the respondents to pay interest of Rs.48,274/- on the delayed settlement of Rs.1,44,000/- along with cost.

S.Vm ' / ..2/-

2. The applicant superannuated on 31.5.1995. He was entitled to Rs.2,04,064/- but he received only part amount of Rs.60,040/- only. The applicant received Rs.1,11,000/- on 15.7.1996 and Rs.33,000/- on 9.8.1999. The applicant claims that this was being unauthorised retention of the amount by the respondents. Hence, he is entitled to the interest thereon at the rate of 18% p.a.

3. The learned counsel for the applicant argued that the applicant has filed application through the departmental authorities before the Pension Adalat on 10.5.2000 which was decided on 9.12.2000 as such her OA. is well within the limitation. Thus, it is apparently clear that the applicant failed to take any steps before 10.5.2000 for recovery of the interest.

4. Interest accrues from the date 1.9.1995. Apart from it, the applicant was in a position to calculate the amount of interest on 15.7.1996 and 9.8.1999. On delayed payment of Rs.1,11,000/- which was made on 15.7.1996, the applicant became fully aware that he is entitled to interest on this payment. Similarly, payment of Rs.33,000/on 9.8.1999 he became fully aware that he is entitled to claim interest. The applicant approached this Tribunal on 9.4.2001 beyond the period of one year from the date of payment of the amount of Rs.1,11,000/- and Rs.33,000/- on 15.7.1996 and 9.8.1999 respectively.

SL/

. .3/-

5. A delayed claim filed before the Pension Adalat on 10.5.2000 which was decided on 9.12.2000, the applicant is not entitled to seek any extension of the period of limitation as the time begins to run from 1.9.1995/15.7.1996 and 9.8.1999.

6. The learned counsel for the respondents relied on 2000 (2) A.I.SLJ 89, Ramesh Chand Sharma etc. vs. Udhamp Singh Kamal & Ors. and argued that an application filed beyond three years not prayed for condonation of delay bound to be dismissed. I agree with the submission of the learned counsel for the respondents.

7. The learned counsel for the applicant relied on 2001 (1) ATJ 215 - Vijay L. Mehrotra vs. State of U.P. for the proposition that delay in payment of retiral benefits - no reason or justification in making payment belatedly, applicant is entitled to interest @ 18% simple interest p.a. She further relied on AIR

8. She further relied on AIR 2001 SC 2433 - Gorakhpur University & Ors. vs. Dr. Shitla Prasad Nagendra & Ors. for the proposition that pension and other retiral benefits cannot be adjusted or appropriated for satisfaction of any other dues outstanding against retired employee. Regarding the case of

9. Regarding the case of Vijay L. Mehrotra referred above, it is suffice to state that entitlement of interest being a right is to be agitated within a period of limitation. As such, the applicant failed to reagitate his right within the period of

100/-

..4/-

limitation, he is not entitled to claim interest now. The law helps the vigilant and not to the persons who slept over their rights.

10. Regarding the case of Gorakhpur University, the said point holds good but as stated above, the cause of action accrued to the applicant in the year 1995, the respondents have paid the amount in the year 1996 and 1999, Had the applicant filed his claim in the year 1995 after accrual of cause of action and before payment, the said authority must have played its role.

11. In the result, I do not find any merit in the OA., it is liable to be dismissed and is dismissed accordingly. Looking to the facts of the case, it is ordered that the parties to bear their own costs.

S.L.JAIN

(S.L.JAIN)

MEMBER (J)

mrj.