

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 15 JUL 1988

APPLICATION NO 378 / 8 B (A)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri M.N. Suryanarayana

The GM, Southern Railway, Madras & 2 Ors

To

1. Shri M.N. Suryanarayana
356, I Stage
Industrial Suburb
Vidyeranyapuram
Mysore - 8
2. The General Manager
Southern Railway
Park Town
Madras - 600 003
3. The Controller of Stores
Southern Railways
Joint Office
Iyanavaram
Madras - 600 023
4. The District Controller of Stores
Southern Railway
Ashokapuram
Mysore - 8
5. Shri K.V. Lakshmanachar
Railway Advocate
No. 4, 5th Block
Briand Square Police Quarters
Mysore Road
Bangalore - 560 002

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~8XXX~~/

~~8XXX~~ passed by this Tribunal in the above said application

on 11-7-88.

Encl: as above.

[Signature]
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 11TH DAY OF JULY, 1988

Present:

Hon'ble Shri Justice K.S. Puttaswamy Vice Chairman
and
Hon'ble Shri L.H.A. Rego Member (A)

APPLICATION NO.378/1988

Shri M.N. Suryanarayana,
S/o, Narasimha Shastry,
Retd. Depot storekeeper,
Aged about 60 years,
No.350, Istage Industrial Suburb,
Vidyaranyapuram,
Mysore.

Applicant.

v.

1. Union of India,
rep. by General Manager,
Southern Railways,
Park Town,
Madras.
2. The Controller of Stores,
The Southern Railways,
Joint office,
Iyanavaram,
Madras.
3. The District Controller-
of Stores, Southern Railways,
Ashokapuram,
Mysore.

Respondents.

(Shri K.V. Lakshmanachar, Advocate)

This application having come up for hearing to-day Vice-Chairman made the following:

O R D E R

This is an application made by the applicant under section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. The applicant who joined service on 24.7.1953 had retired from service on 30.6.86 on attaining superannuation as Store Keeper Grade II.

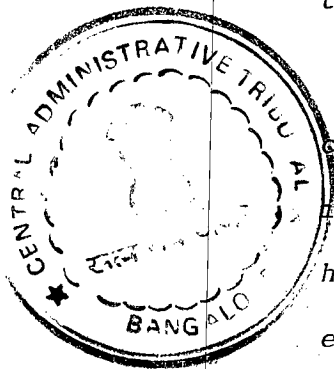


3. When the applicant was in service disciplinary proceeding under the Railway Servants (Disciplinary & Appeal) Rules, 1968 had been initiated against him on 18.6.1986 (Annexure-A) and the same was pending when he retired from service.

4. Some time in November, 1986 the applicant was allowed to draw provisional pension admissible under the Rules and the amounts due towards commutation of pension and D.C.R.G. and encashment of leave were paid to him only on 27.7.1987 and 11.8.87 respectively. On these payments the applicant has no grievance. But his grievance in this application made on 8.3.1988, is limited to payment of interest only.

5. In their reply, the respondents have explained the circumstances in which there was delay in payment of the amounts and have produced the relevant records at the hearing.

6. Shri M.N. Suryanarayana, who is the applicant contends that there was unreasonable delay in the payment of the amounts lawfully due to him towards commutation of pension, D.C.R.G. and encashment of leave and on the principle enunciated by the Supreme Court in STATE OF KERALA & ORS. vs. M.PADMANABHAN NAIR 1985 (1) Vol.38 (SLR page 750) and a full bench ruling of the Patna High Court in M/S. CHAMPARAN SUGAR CO. LTD vs. JOINT LABOUR COMMISSIONER AND APPELLATE AUTHORITY & ORS.(AIR 1987 SC 96) he was entitled



to payment of interest at 18% P.A.

7. Shri K.V. Lakshmanachar, learned counsel for the respondents contends that the delays were not deliberate and were not unreasonable and therefore the applicant was not entitled to payment of interest.

8. When the applicant was in service he was facing a disciplinary proceeding, in which he had also been charged with loss of amounts and the same came to be dropped only in July 1987. We find that immediately thereafter, the Railway Administration had taken steps to compute the amounts and had paid them also to the applicant on 27.7.1987 and 11.8.87. From this it follows that there was no unconscionable and unreasonable delay in making the payments due to the applicant. If that is so then there is no justification to award any interest at all. We are of the view that the rulings relied on by the applicant do not assist him.

9. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.



TRUE COPY

Sd/-
VICE-CHAIRMAN

Sd/-
MEMBER (A) 11-7-1988

DEPUTY REGISTRAR (JDL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE