

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 58/90

198

XXXXXX

DATE OF DECISION 08-10-1991R GOVINDARAJAN

Petitioner

MR. D V GANGAL

Advocate for the Petitioner(s)

Versus

GENERAL MANAGER CENTRAL RLY.

Respondent

MR. SUBODH JOSHI

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. JUSTICE U C SRIVASTAVA, VICE CHAIRMAN

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

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

MGIPRRND-12 CAT/86-3-12-86-15,000

( M Y PRIOLKAR )  
MEMBER (A)

TRK/-

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, "GULESTAN" BUILDING NO.6  
PREScot ROAD; BOMBAY-400001

O.A. No.58/90

Shri R. Govindarajan  
Komalarangam  
D-17, Sector 7; Vashi  
New Bombay 400703

..Applicant

v/s

The General Manager  
Central Railway  
Victoria Terminus  
Bombay 400001

..Respondent

CORAM: Hon. Shri Justice U C Srivastava, V.C.  
Hon. Shri M Y Priolkar, Member (A)

APPEARANCE

Mr. D V Gangal  
Advocate  
for the applicant

Mr. Subodh Jokai  
Advocate  
for the respondents

ORAL JUDGEMENT  
(PER: M Y Priolkar, Member(A))

DATED: 8-10-1991

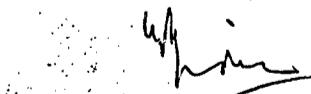
The applicant in this case retired from the Indian Railways as Assistant Goods Superintendent on 31-10-1987 on attaining the age of superannuation. The grievance of the applicant is that his retirement dues as also regular salary for the month of October 1987 which should have been paid in the normal course on the date of retirement were actually paid after considerable delay. The prayer of the applicant in this case is of payment of interest on these delayed payments from the date ~~of~~ due to the date of actual payment.

The respondents have opposed the application stating that the applicant has wilfully delayed depositing the foreign service contribution of his service for the period of foreign service to Nigerian Railway Corporation is and it/this delay on the part of the applicant which has resulted in delay in finalising the

retirement dues for which the applicant himself is responsible. Respondents have further stated that the foreign service of the applicant was from 19.2.1979 to 8.6.82 and under the terms and conditions of foreign service the applicant had to remit the foreign service contribution but he failed to do so in time and paid the amount finally only on 19.7.1989.

Admittedly, however, the foreign service contribution is ~~thus to be~~ <sup>was</sup> finally recovered from the applicant along with the interest. It was also said <sup>that further</sup> interest of Rs.395/- has also been deducted from the dues of the applicant along with various other deductions like 10% DCRG etc.

<sup>Therefore,</sup> We are inclined to grant interest on <sup>the</sup> two items of retirement benefits which have been delayed in this case viz., commutation value of pension of Rs. 69,036/- and DCRG of Rs.54,450/- @ 12% which should be paid from the expiry of three months from the date of superannuation to the date of actual payment. In case of commutation value of pension, however, interest will be paid only in case pension was reduced to the extent of 1/3rd from the date of retirement even before the <sup>payment</sup> commuted value of pension. Let this payment be made within three months from the date of receipt of a copy of this order.

  
( M Y PRIOLKAR )  
MEMBER (A)

  
( U C SRIVASTAVA )  
VICE CHAIRMAN