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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

CAMP AT NAGPUR.

O.A. NO: 322/91

199

T.A. NO:

DATE OF DECISION 18.11.1991

Shri Ramkrushna Ambadas Chati.

Petitioner

Shri M.w.Harsulkar.

Advocate for the Petitioners

Versus

DRM, Nagpur & Another.

Respondent.

Shri P.S.Lambat.

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 ? *yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

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(M.Y.PRIOLKAR)
MEMBER (A).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY,
CAMP AT NAGPUR.

Original Application No.322/91.

Shri Ramkrushna Ambadas Chati.

....Applicant.

V/s.

Divisional Railway Manager,
Central Railway, M
Nagpur & another.

... Respondents.

Coram: Hon'ble Shri Justice U.C.Srivastava, Vice-Chairman,
Hon'ble Shri M.Y.Priolkar, Member(A).

Appearances:-

Applicant by Shri M.W.Harsulkar.
Respondents by Shri P.S.Lambat.

Oral Judgment:-

{Per Shri M.Y.Priolkar, Member(A)} Dated: 18.11.1991.

The applicant who was working as Station Master in the pay scale of Rs.455-700 retired on superannuation on 30.4.1984. He has two grievances. Firstly, that there was a restructuring of his cadre in the department in the year 1983, but the applicant was not given the benefit of those restructuring orders till the date of his retirement. Secondly, he should have been paid his retirement dues by 1.6.1984 but the payment was actually made after a period of about 10 months from the due date. The prayers in this application are therefore, payment of interest on this delayed payment, and further that after restructuring orders of 1983, he should be placed in the higher scale of Rs.700-900.

2. According to the respondents, the delay in settlement of the retirement benefits was due to the fact that certain disciplinary inquiry ^{proceedings} were pending against the applicant at the time of his retirement and his pensionary benefits could not, therefore, be finalised until the disciplinary case was decided. According to them, there has been no delay after the finalisation of the disciplinary

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case as the payments have been authorised in January, 1985. Although the delay in payment is not said to be deliberate or on account of negligence of respondents, the fact remains that the applicant for no fault of his has received the payment for pension, DCRG etc. after a delay of more than 10 months and the Government has also got the benefit of this withheld amount for about 10 months. We find, therefore, no reason why interest should not be paid to the applicant for delay of more than three months from the date of retirement, as contemplated in the Railway Board's order dt. 24.4.1991 by which payment of interest is payable on account of delayed payments of retirement benefits. We accordingly direct that interest on this delayed payment beyond three months from the date of retirement till the date of actual payment at the rate of 6% be paid to the applicant.

3. Regarding the second prayer for placing the applicant in the higher scale of Rs.700-900 on account of restructuring of the cadre in 1983, the respondents have stated that under those orders it had been provided that if an individual Railway employee becomes due for promotion to a grade which is more than one grade above the grade held by him at present on a regular basis, his selection will have to be regulated in terms of modified selection procedures laid down in para 3.2 of the order dt. 29.7.1983 and that second and subsequent promotions will be governed by the normal rules applicable to promotions including the prescribed selection procedures for promotion to higher grade. Since the applicant was working in the grade of Rs.425-700 he was promoted to the grade of Rs.550-750 which was one grade above the existing grade in terms of this order from 1.8.1982. But the second promotion to the higher grade of Rs.700-900 could have been given only after he was regularly


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selected for that grade in accordance with the normal selection procedure after the occurrence of vacancies.

4. We find considerable merit in the submission of the respondents that regular selection in the higher grade of Rs.700-900 had taken place only after the retirement of the applicant and that no vacancies for such promotion had occurred until after his retirement. The respondents have also submitted that a number of employees who were senior to the applicant also did not get the benefit of this higher scale until 1985, whereas, the applicant had retired on 1.6.1984. We do not, therefore, find any merit in this contention. The application is accordingly dismissed, except for the payment of interest as directed above. No order as to costs.


(M.Y.FRIOLKAR)
MEMBER (A)


(U.C.SRIVASTAVA)
VICE-CHAIRMAN.

B.S.M.

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O.A. No. 322/91

Vs.

Hon. Mr. Justice M.C. Srivastava, V.C.

Date:- 1-6-1992

(By Hon. Mr. M. Y. Priolkar, M.A.): eva)

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is not a ground of review. The review application
has no substance and is rejected.



Member (A)



Vice Chairman