

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 711/92  
Transfer Application No. \_\_

Date of Decision : 16-2-95

Shri Sundaresa Gopalswamy

Petitioner

Mr. L. M. Nerlekar

Advocate for the  
Petitioners

Versus

G.M., SE Rly. & Ors.

Respondents

None

Advocate for the  
respondents

CCRAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman

The Hon'ble Shri M.R.Kolhatkar, Member(A)

(1) To be referred to the Reporter or not ? —

(2) Whether it needs to be circulated to  
other Benches of the Tribunal? NO

  
(M.S.DESHPANDE)  
VC

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.711/92

Shri Sundaresa Gopalswamy,  
Plot no.29,  
Bakthavathsalam Street,  
Sri Venkatesh Nagar,  
Virugambakkam,  
Madras - 600 092.

.. Applicant

-versus-

1. General Manager,  
South Eastern Railway,  
Garden Reach,  
Calcutta - 43.
2. Indian Railway Construction  
Co.Ltd.,  
Palika Bhavan,  
Sector XIII, R.K.Puram,  
New Delhi.
3. Divisional Railway Manager,  
South Eastern Railway,  
Nagpur. .. Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande,  
Vice-Chairman.

Hon'ble Shri M.R.Kolhatkar,  
Member(A)

Appearances:

1. Mr.L.M.Nerlekar  
Counsel for the  
Applicant.
2. None for the  
respondents.

ORAL JUDGMENT: Per M.S.Deshpande, V.C.

Date: 16-2-1995

The only question remains to be considered in this case is about payment of interest. The applicant who was an employee of South Eastern Railway was absorbed in Indian Railway Construction Company Ltd.(IRCON) and he challenged his absorption with retrospective effect. He sought a declaration by filing O.A.286/88. The Tribunal by its judgment delivered on 13-6-91 set aside the order dated 11-11-1985 to the extent it

operated retrospectively and declared that the applicant may be deemed to have been absorbed permanently with IRCON w.e.f. 11-11-85 and shall be deemed to be on deputation with IRCON till then. It was also declared that the applicant would be entitled to all the consequential benefits due to his absorption from 11-11-85 by way of salary and pension etc. Applicant filed a review Petition No.37/91 and the date 11-11-85 mentioned in the operative portion of the order was altered to 6-2-1986. Accordingly the applicant was paid the amount of DCRG on 23-6-93 and the balance on 2-8-93 without interest and he claims interest in this O.A.

2. Unpaid amount of retiral/pensionary benefits shall carry interest is the proposition no longer in dispute. Since the order was passed on 13-6-91 and no time had been granted, it must be presumed that the Tribunal intended that its orders should be implemented within a reasonable period and that reasonable period would be about six months.

3. We, therefore, direct the respondents to pay interest on the amounts which became payable by virtue of the order passed in O.A. 286/88 from 1-1-92 upto the date of actual payment at 10% p.a. This amount shall be calculated and paid to the applicant within four months from the date of ~~of~~ communication of this order. No order as to costs.

M.R.Kolhatkar

(M.R.KOLHATKAR)  
Member(A)

M.S.Deshpande  
(M.S.DESHPANDE)  
Vice-Chairman