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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: OA 1037/93.

Transfar Application No:

DATE OF DECISION: 16.06.1994.

Shri A.K.B. Pillai. Petitioner

Shri L. M. Nerlekar, Advocate for the Petitioners

Versus

Western Railway Respondent

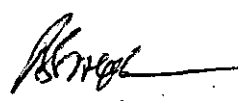
Shri N. K. Srinivasan. Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B. S. Hegde, Member (J).

The Hon'ble Shri

1. To be referred to the Reporter or not ? *No*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *No*


(B. S. HEGDE)
MEMBER (J).

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(S)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

OA 1037/93.

Shri A. K. B. Pillai ... Applicant

Versus

Western Railway ... Respondent

Coram : Hon'ble Shri B. S. Hegde, Member (J).

APPEARANCES :

1. Shri L. M. Nerlekar,
Counsel for the Applicant.
2. Shri N. K. Srinivasan,
Counsel for the Respondent.

ORAL JUDGEMENT

DATED : 16.06.1994.

(Per B. S. Hegde, Member (J)).

1. Heard the argument of both the Counsel. The applicant made grievances that he has not been paid any interest for the delayed payment made by the respondent. Admittedly, the applicant is a railway employee and he has been absorbed in Indian Railway Construction Co. Limited w.e.f. 20.11.1985. Thereafter, he ceases to be a railway employee/Government Servant and his dues are not paid till 1993. Accordingly, he has made a prayer to direct the respondent to pay interest @ 12% on the following :-

	<u>Amount</u>	<u>Period</u>
(i)	Rs. 49,438.00	From 13.06.1991 to 27.05.1993.
(ii)	Rs. 4,336.00	From 13.06.1991 till the date of payment.
(iii)	Rs. 14,675.00	From 10.09.1993 till date of payment.

2. In this connection, the Learned Counsel for the Applicant has referred to O.A. No. 1304/89 from Shri P. M. Venkataram V/s. Union Of India and others, wherein the tribunal has considered the question that the applicants are entitled to interest on the delayed payment of their retirement benefits, consequent on their absorption in the Indian Railway Construction Co. Limited. Having heard the contentions of both the parties and on persual of records, the Tribunal directed the respondent to pay to the applicants interest @ 10% per annum for the period from the date of the Judgement of this Tribunal to the date on which the Respondents paid to that pro-rata pension and other retirement benefits due to them. In calculating the amount of interest, a period of 90 days however be excluded from the date of judgement, which would be considered to be a reasonable time that may be taken for implementing the same. Accordingly, direction is given to the Respondent to implement within a period of three months from the date of communication of this order.

3. The respondents in their reply deny the contention of the applicant. However, admitted that a sum of Rs. 49,438.00 has been paid to the Applicant on 28.05.1993. They further contend that the payment of interest is not admissible under any rules or laws. Regarding interest on Foreign Service Contribution, they submitted that the same is not applicable to the applicant under any rules or laws. It is also stated that they have taken up the matter in the Supreme Court and filed an SLP

in the Supreme Court against the judgement of this Tribunal in O.A. No. 272/88, which is pending consideration.

4(i) Heard the arguments of the Learned Counsel of both the parties. Keeping in view of the various decisions cited at the bar, it is an undisputed fact that there was delay in disbursing pensionary benefits to the applicant, that being so, there is no justified ground urged in paying the same. Accordingly, the respondent is directed to pay the applicant, interest @ 10% from 13.06.1991 to 28.05.1993 as against the amount of Rs. 49,438.00. The respondents have also requested that they may be given sufficient time to implement the judgement. Keeping in view the directions of the Tribunal referred to above, 3 months time is granted to implement the decision/directions of the Tribunal. Thereafter, from 13.09.1991 to 28.05.1993, they are liable to pay interest at the rate of 10% till the payment is effected to the applicant.

(ii) Regarding Foreign Service Contribution, neither counsel has pointed out that it is permissible under rules nor brought out any reasons for payment during the hearing. In the circumstances, the payment of interest for Foreign Service Contribution is not permissible and the same is hereby rejected.

(iii) Thirdly, regarding revised fixation of payment of Rs. 14,675.00, it has been paid to the Applicant on 10.09.1993, which is admitted in the reply at para 4.3 and 4.4. Similar to item no. (i), the respondent is directed to pay interest @ 10%

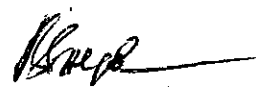
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till the date of Judgement from 10.09.1993
till payment, the same principle as that of
item no. (i) should apply.

(iv) The respondents shall comply the
above directions within a period of 3 months
from the date of communication of this order.

5. The O.A. stands disposed of
accordingly, but no order as to costs.


(B. S. HEGDE)
MEMBER (J).

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