

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
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Original Application No: 332/93

~~Transferred Application No~~

DATE OF DECISION: 7.7.94

Shri Haji Samgappa Petitioner

Shri S.P.Saxena Advocate for the Petitioners

Versus  
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The General Manager, Respondent  
Central Railway & others.


Shri S.C. Dhawan Advocate for the Respondent(s)

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

The Hon'ble Shri

1. To be referred to the Reporter or not ? *not*
2. Whether it needs to be circulated to other Benches of the Tribunal ?

  
(B.S.Hegde)  
Member (J)

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 332/93

Shri Haji Sangappa

... Applicant.

V/s.

The General Manager,  
Central Railways  
Bombay V.T.

The Divisional Manager  
Solapur Division  
(Central Railway)  
Solapur.

... Respondents.

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

Appearance:

Shri S.P. Saxena, counsel  
for the applicant.

Shri S.C. Dhawan, counsel  
for the respondents.

ORAL JUDGEMENT

Dated: 7.7.94

{ Per Shri B.S. Hegde, Member (J) }

Applicant has paid the following  
relief: G.P.F., Retirement benefits, Gratuity,  
Leave encashment etc.

During the course of hearing it is  
understood that all these benefits has been paid  
at a later date. Learned counsel for the applicant  
emphasises that interest should be paid for belated  
payment.

In this connection learned counsel  
for the respondents has drawn my attention to  
para 6 of the reply, wherein it is stated that  
the applicant took voluntary retirement from  
7.2.1988. However at the time of his taking  
voluntary retirement, the applicant did not fill  
in the necessary forms for his pension and other  
retiral benefits. The applicant was therefore, not  
paid his retiral dues in the absence of the forms  
that were to be filled by the applicant. As a

matter of fact, the applicant had filed the required forms in December 1991. In this connection counsel for the respondents has drawn my attention to Supreme Court judgement in the case of Raj Pal Wahni and Ors. V/s. Union of India and ors. decided on 27.11.89 stated that:

" The Government have had under consideration the question of raising the rate of interest payable to a Railway employee on delayed payment of gratuity where the delay occurs on account of administrative lapse or for reasons beyond the control of the Government servant concerned. In partial modification of this Ministry's letter No. F(E)III.79/PNI/16, dated 3.9.1979, the President is now pleased to decide that where the payment of D.C.R.G. has been delayed the rate of interest will be as follows:

- (i) beyond 3 months and upto one : 7% per annum  
year
- (ii) beyond one year 10% per annum "

Admittedly, there is a delay in payment of retirement benefits. In so far as arrears of pension is concerned a delay of 10 months, Gratuity a delay of 19 months, CGEIS a delay of 19 months and G.P.F. a delay of 18 months. Applicant is a class IV employee. Except GPF all other dues are paid to the applicant in 1992-93. In the facts and circumstances of the case, the respondents is hereby directed to pay the interest @ 10% from 1.1.92 till the payment is made. In so far as GPF is concerned, counsel for the applicant submits that the amount belongs to the applicant even assuming that he was not filled the

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form. Meanwhile the case <sup>pending against him</sup> was decided on 2.9.89. In the circumstances, the respondents are directed to pay interest at the rate of 12% for Rs. 925/- which is paid to the applicant from 2.9.89 till the payment is made. Respondents are directed to pay the interest amount within three months from the date of receipt of this order.

In the light of the above O.A. is disposed of. No order as to costs.

NS

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