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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 691/93

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

DATE OF DECISION 19.11.1993

Shri B.L. Aggarwal

Petitioner

Shri P.G. Zare

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri P.R. Pai

Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~Smt.~~ Smt. Lakshmi Swaminathan, Member (J)

The Hon'ble Shri

1. ~~whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? yes
3. ~~whether their Lordships wish to see the fair copy of the Judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ? NO

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

GA.NO. 691/93

Shri B.L.Aggarwal

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Member (J) Smt.Lakshmi Swaminathan

Appearance

Shri P.G.Zare
Advocate
for the Applicant

Shri P.R.Pai
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 19.11.1993

(PER: Lakshmi Swaminathan, Member (J))

Heard both the counsels. The brief facts of the case are that the applicant having served in the Railways from 9.9.1955 till 30.9.1992 had finally retired from service on that date. His request for voluntary retirement after serving the due notice of three months has been accepted by the respondents. The grievance of the applicant is that the amounts due to him on retirement, as given in Para 4 (ii) of the application, excepting the amounts given in clauses (A), (E) and (J) have still not been paid to him by the respondents. The amount still outstanding is Rs.3,53,856/-. The applicant has, therefore, sought a direction from this Tribunal to the respondents to make the payment within six weeks with interest for delayed payment from the date the amounts were due at the rate of 18% P.A. The learned counsel for the respondents states that since the records are not fully available with them at Bombay, further time of three months may be granted for making the payments claimed by the applicant.

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2. It is seen from the order dated 15.9.1993 that at the request of the respondents that some of the papers had to be obtained from Jhansi Division, they had already been given two months from that date, to make the payment of the admitted dues. The applicant states that, in fact, he has retired from that Division and all the papers are available with the Accounts Officer at Jhansi. In the circumstances, there appears to be no justification for further extending the time as prayed for by the respondents. The applicant's request for voluntary retirement which had been submitted on 1.7.1992 had been duly accepted by the respondents w.e.f. 30.9.1992.

3. On perusal of the records of this case, there is no doubt that there has been undue delay on the part of the respondents in paying the retiral amounts from 30.9.1992. The amounts of retirement benefits should have been paid to the applicant on the date his request for voluntary retirement was accepted by the competent authority. However, this has not been done even after 13 months, which delay seems to be unreasonable and unjustified. If the applicant has been paid the due amounts in time, he could have invested the same and earned interest thereon.

4. In the circumstances, the respondents are directed to pay the balance of the retirement benefits to the applicant within a period of four weeks from the receipt of a copy of this order, with 18% interest till the date of payment.

5. With these directions the application is disposed of with no order as to costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

mrj.