

29/8/

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 1333/96 199

Date of Decision: 15th Nov. 96

M G Chhatre

Petitioner/s

Mr. B. Ranganathan

Advocate for the
Petitioner/s

V/s.

UOI & Ors.

Respondent/s

Mr. V.S. Masurkar

Advocate for the
Respondent/s

CORAM:

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

Hon'ble Shri

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

M.R.Kolhatkar

M(A))

trk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING No.6
PRESOT ROAD, MUMBAI 400001

O.A. No. 1333/95

DATED : 15th NOVEMBER, 1996

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

M G Chhatre
6-A Railway Society
Near Vijapur Naka
Police Station
Vijapur Road,
Solapur 413004
(By Adv. Mr. B. Ranganathan)

..Applicant

V/s.

1. Union of India
through General Manager
Central Railway
Bombay VT 400001.

2. The Financial Adviser and
Chief Accounts Officer
Central Railway
Mumbai CST 400001

3. The Chief Workshop Manager(EW)
Central Railway Engineering
Workshop, Manmad 423104
(By Adv. Mr. V S Masurkar,
Central Govt. Standing Counsel)

..Respondents

ORDER

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[Per: M R Kolhatkar, Member(A)]

1. The applicant retired from Central Railway on 1.5.1980. He was working at Kalyan workshop. He had the grievance of not getting special pay of Rs.150/= under Miabhoi Award dating back to 1973-74. He took the matter to the High Court and the Writ Petition came to be transferred to the Central Administrative Tribunal, Bombay Bench which was disposed of by the Tribunal by its

order dated 6.6.91 in T.A. No.463/87 which granted to the applicant the benefit of special pay of Rs.150/=.

2. The Railway Administration carried the matter to the Hon'ble Supreme Court which in its decision dated 19.7.94 in Civil Appeal No.5284/92 did not go into the question of law raised, but dismissed the appeal on the ground that the amount involved was small (Rs.17,469/-) and directed the appellant to make payment of the amount within three months from that date.

3. It is not disputed that an amount of Rs.22,213.69 on account of revision of pay due to inclusion of special pay and a separate amount of Rs.15,526/= on account of revision of pension with the dearness relief has been paid to the applicant. The applicant is, however, claiming interest on the amount of delayed payment of arrears of pay including DCRG amounting to Rs.22,213.69 the breakup of which is given below:

| | |
|-------------------|-----------|
| Special pay | 15,975.97 |
| Leave Salary | 1,291.80 |
| DCRG | 2,310.00 |
| Commutation value | 2,635.92 |
| <hr/> | |
| Total | 22,213.69 |
| <hr/> | |

The applicant has calculated and claimed the interest @12% compound totalling Rs.9,745.45.

4. The Respondents have opposed the O.A. According to them, neither the Tribunal nor the Supreme Court had granted the relief of interest. Therefore, the applicant cannot agitate the question of grant of interest which claim is hit by principles analogous to Resjudicata. Moreover the Respondents have further contended that they are however considering the question of payment of interest on the DCRG from the date of retirement and the same has been calculated and the proposal submitted to the Accounts department for arranging payment and the amount of interest on DCRG would be paid shortly. The Respondents have enclosed a calculation sheet at Annexure R-1 which shows calculations of interest as per Rules viz., 7% for delay beyond 3 months upto one year; 10% for delay beyond one year and 12% percent for the period from 25.8.94 when the rules in this regard were changed.

5. The applicant in rejoinder has denied that the application is hit by principles of resjudicata, because the claim of interest was never a subject matter for adjudication earlier.

6. I have considered the matter. Admittedly the entitlement of the applicant to the payment of special

pay and leave salary crystallized on the date of the judgment of the Tribunal. The claim of the applicant, therefore, for payment of interest on these amounts from the date of retirement cannot be accepted. The respondents have rightly considered the claim of the applicant for payment of interest on the amount of DCRG. But the applicant is equally entitled to payment of interest on commutation value of pension amounting to Rs.2,635.92. Respondents are therefore directed to make payment of interest at the same rate on the commutation value of pension as in the case of DCRG and in addition to interest on DCRG already calculated by them and arrange to pay the same to the applicant within a period of two months from the date of communication of this order. O.A. is therefore disposed of in the above terms with no order as to costs.

M.R.Kolhatkar

(M.R.Kolhatkar)

Member(A)

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