

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 557/98

Date of Decision: 21.4.1999

B.N.Rao

Applicant.

Advocate for  
Applicant.

Versus

Union of India & Anr.

Respondent(s)

Mr.A.I.Bhatkar.

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice-Chairman,

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

*R.G.Vaidyanatha*  
(R.G.VAIDYANATHA)  
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.557/98.

WEDNESDAY , THIS THE 21st DAY OF APRIL, 1999.

Coram : Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman.

B.N.Rao,  
(Retired Mail Guard,  
Mumbai CST),  
C-5, Rail Nagar,  
Koyanabedu,  
Chennai - 600 107.

... Applicant.

V/s.

1. Union of India, through  
The General Manager,  
Central Railway,  
CST, Mumbai - 400 001.
2. The Divisional Railway Manager,  
Central Railway, CST,  
Mumbai - 400 001.  
(By Advocate Mr.A.I.Bhatkar)

... Respondents.

: O R D E R :

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

Applicant and his counsel absent. Heard Mr.A.I.Bhatkar, counsel for the Respondents.

2. The applicant in this O.A. has asked for two reliefs.

The first relief is that, he must be paid interest on the delayed payment of D.C.R.G. from 30.4.1997 till the date of payment viz. 24.1.1998.

From the materials on record, I find that the DCRG was not paid to the applicant since he had not vacated the quarters. He vacated the quarters only on 30.4.1997. It is only then, the administration has to pay DCRG after verifying the amount due from the applicant towards the rent due for the quarters including penal rent. We must give some time for the respondents to act upon after the applicant vacated the quarters. Having regard to the facts and circumstances of the case, we can allow a margin of three months to the

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administration to take a decision about calculation of payment of interest, rent etc. The three months period comes to 30.7.1997. But, still there is delay in making the payment till January, 1998. I, therefore, feel that applicant should be granted interest on the DCRG amount from 1.8.1998 till the date of payment. There is some dispute regarding the date of payment. *Ans* *Rey* *30/6/98* According to the applicant it is 24.1.1998, but according to respondents they have sent the payment on 7.1.1998. The applicant has not filed any Rejoinder to deny this. I, therefore, accept the date of payment as 7.1.1998.

3. As far as the rate of interest is concerned, in Swamys' Pension Compilation (1993 Edition) at page 146, there is reference to O.M. of 1984 which provides grant of interest at 7% p.a. if there is delay beyond three months and up to one year. In the present case, the delay will be about five months and odd from 1.8.1997. Therefore, I feel that 7% interest should be allowed. *Ans* *Rey* *30/6/98*

4. The applicant's second relief is about excess recovery of Rs.10,000/- by the Department towards House Building Advance. In fact, the prayer is to direct the respondents to re-calculate the interest and after taking into account all payments to refund the excess amount. The Department has calculated the interest in detail in para 6 of the written statement. In para 6 of the written statement all the details are mentioned as to how the interest was calculated and how excess payment of Rs.10,000/- was adjusted froms the DCRG of the applicant. The applicant has not filed any Rejoinder to deny these calculations or to give his own calculations. Even in the OA the applicant has not given his calculations to show that the recovery of Rs.10,000/- was bad. Hence, in my view, there is no merit in the second prayer of the O.A.

5. In the result, the application is allowed partly. The respondents are directed to pay interest on delayed payment of DCRG at 7% p.a. on Rs.1,24,782/- from 1-8-1997 till 7-1-1999. In the circumstances of the case, there will be no orders as to costs.

*anew  
by  
VC- 30/6/99*

*R. G. Vaidyanatha*

(R.G.VAIDYANATHA)  
VICE-CHAIRMAN

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