

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.972/1998.

Monday, this the 29th day of January, 2001.

Coram: Hon'ble Shri S.K.I.Naqvi, Member (J),
Hon'ble Smt. Shanta Shastry, Member (A).

A.I.D'Costa,
371, Reprovado,
Verea, Saleete,
Goa - 403 721.
(By Advocate Shri S.N.Pillai)

...Applicant.

Vs.

1. Union of India, through
General Manager,
Central Railway,
CST, Mumbai - 400 001.
2. The Divisional Railway Manager,
Central Railway, Mumbai Division,
CST, Mumbai - 400 001.
(By Advocate Shri S.C.Dhawan)

...Respondents.

O R D E R (ORAL)

{Per Shri S.K.I.Naqvi, Member (J)}

The Applicant has come up seeking relief to the effect that Respondents be directed to fix Applicant's pay at Rs.2,975/- as on 1.1.1986 and Rs.3,050/- as on 22.11.1986 and fix his monthly pension to Rs. 1446.25 as on 1.12.1996. The Applicant has also sought for a direction to pay arrears of pay, DCRG, arrears of pension, commuted value of pension taking into account Rs.3,050/- as his pay as on 30.11.1986 and Rs.1,446.25 as his pension before commutation. He has also claimed interest at the rate of Rs.12% p.a. on the arrears of pay, pension, DCRG and Commuted Value of pension from 1.12.1986 till the date of actual payment.

...2.

2. The Respondents have contested the case and filed a counter reply, ~~Reflecting~~^{Reflecting} wherein, the fixation and re-fixation of pay and also the payments already made.

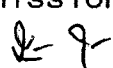
3. Heard Shri S.N.Pillai, the learned counsel for the applicant and Shri S.C.Dhawan, the learned counsel for the respondents.

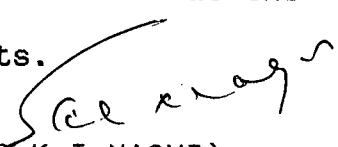
4. So far as the prayer (i) is concerned, the Respondents have ^{already} ~~also~~ revised and fixed his pay at Rs.2,975/- as on 1.1.1986 and allowed consequential pension benefit, thereby no controversy remains in respect of relief clause (i)

• (i) after refixation of pay to the satisfaction of the applicant.

5. So far as the relief sought in clause (ii) is concerned, the payment of arrears in respect of pay³ in the process as per Exh. A-I to the OA. The DCRG, arrears of pension and commuted value of pension is concerned, it has already been paid and the claim of the applicant remains only regarding interest thereon. The Respondents to take steps to get the pending payments cleared, as per entitlement, at the earliest and in any case, within a period of six months.

6. Now, controversy remains only in respect of rate of interest, From the period since when he is entitled to. The applicant has claimed interest at the rate of 12% p.a. which appears to be quite reasonable and not on higher side. Therefore, we hold that he is entitled to the interest at the rate of 12% from the date, one year prior to the filing of the OA. The OA is decided at the admission stage accordingly. No orders as to costs.


(SHANTA SHASTRY)
MEMBER(A)


(S.K.I. NAQVI)
MEMBER (J)

B.