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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 628/92.

Dt. of Order:20-2-95.

A.Soundara Pandian

.. Applicant

Vs.

1. Union of India represented by Secretary,
Railway Board, Rail Bhavan, New Delhi.
2. General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.
3. Divisional Railway Manager,
South Central Railway,
HUBLI.

.. Respondents

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Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri N.R.Devaraj, SC for Rlys

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CORAM:

THE HON'BLE SHRI A.V.HARIDASAN : MEMBER (J)

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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... 2.

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(Order passed by Hon'ble Shri A.V. Haridasan, Member (J)).

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The applicant retired while serving as Sr.Divisional Engineer on 30-4-89 on superannuation. However, prior to his retirement a Disciplinary Proceedings had been initiated against him and therefore he was granted only provisional pension. The Disciplinary Proceedings resulted in his complete exoneration by the General Manager vide his order dt.22-3-91. Pursuant to the exoneration of the applicant in Disciplinary Proceedings, the applicant was paid his gratuity and commuted value of pension. Applicant claimed for interest on delayed payment. He was given interest on the delayed payment from 22-1-91 to 31-3-91. It was aggrieved by this ^{and that} ~~claiming~~ the applicant should be paid interest at the rate of 18% per annum on the Death-cum-retirement gratuity as well as ^{on} commutation value of pension, this O.A. has been filed.

2. The Respondents contend that payment of gratuity and commutation of pension got delayed only on account of the fact that the Disciplinary Proceedings were pending and with-holding of DCRG during this period cannot be said as unjustified. They further contend that the applicant is not entitled for interest ^{till} on commutation value because/ the date of commutation, the applicant was getting full pension. Shri N.R.Devaraj, learned standing counsel for railways argues that the question regarding grant of interest on delay ⁱⁿ payment of D.C.R.G. during the period of ^{pending} Disciplinary Proceedings ~~was xxxx~~ clarified

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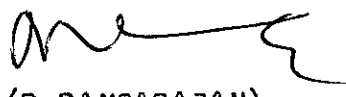
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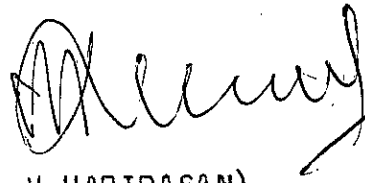
in Railway Board's letter No.F(E)111/79/PN-1/15 dt.15-4-91 and that therefore the applicant is not entitled to interest at the rate of 18% p.a. on the delayed payment of DCRG and that he is not at all entitled for interest on commutation value. Having heard learned counsel for both the parties, we are convinced that the applicant cannot claim any interest on commutation value of pension because he was getting provisional pension, which is equal to the ^{full} pension till the date of commutation. However, the applicant even going by the Railway Board circular is entitled to get interest on the delayed payment of DCRG on his exoneration from the Disciplinary Proceedings from the date three months after his retirement at certain rates. Regarding the rate of interest, the applicant has claimed interest @ 18% p.a. whereas the interest is 10% for a period of one year and 11% thereafter for a certain period according to the Railway Board instructions. The pendency of Disciplinary Proceedings in any way cannot be said on account of any reason attributable to the applicant and he has been exonerated fully. Then the question is whether the railway servant has to suffer on account of pendency of a Disciplinary Proceedings, in which he has been declared innocent. This aspect has been taken care in the Railway Circular quoted above. Had the payment been made in time, the applicant could have utilised that money and earned some interest. Under these circumstances, we are of the considered view that it would meet the ends of justice if the Respondents are directed to pay interest on delayed payment of xxxx xxxx xxxx xxxxx

(27)

D.C.R.G. at the rate of 12% p.a. from ^{the} / date three months after his retirement on superannuation till the date of payment excluding the interest already ~~xxxx~~ paid from 22-1-91 to 31-3-91. We allow the Original Application/^{in part} and direct as aforesaid. We also direct that payment as directed above shall be made within a period of three months from the date of receipt of a copy of this order.

3. No order as to costs.


(R. RANGARAJAN)
Member (A)


(A.V. HARIDASAN)
Member (J)

Dated: 20th February, 1995.
Dictated in Open Court.

avl/


Deputy Registrar(Judl.)

Copy to:-

1. Secretary, Railway Board, Union of India, Rail Bhavan, New Delhi.
2. General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. Divisional Railway Manager, South Central Railway, Hubli
4. One copy to Sri. G.V. Subba Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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OA-628792

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

R. Ranga Rajan.
THE HON'BLE MR. ~~A.B. BORTH~~ : MEMBER(A)

DATED : 20/2/95

ORDER/JUDGEMENT.

M.A./R.P./C.P.NO.

in-

O.A.NO.

628792

Admitted and Interim directions
issued

☒ Allowed

☐ Disposed of with Directions

☐ Dismissed

☐ Dismissed as withdrawn

☐ Dismissed for Default.

☐ Rejected/Ordered

☒ No order as to costs.

YLKR

⑦ NO SPARE COPY

