

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

CP 2/96 in OA 1571/93

Date of order: 4-4-96.

Between

D.Suryanarayana

... Applicant/Applicant

A n d

1. Sri K.Manohar Rao,
S.C.Rly., Secunderabad.
2. Sri G.C.Sanduc,
The Divl.Rly.Manager (BG)
S.C.Rly., Secunderabad.

Appearance

Counsel for applicant : Mr.N.Ram Mohan Rao,
Advocate

Counsel for Respondents : Mr. V.Bhimanna, SC for Rly.

CORAM

The Hon'ble Sri Justice M.G.Chaudhari, Vice-Chairman

The Hon'ble Sri R.Rangarajan, Member (Admn.)

O R D E R

(As per Hon'ble Sri Justice M.G.Chaudhari, VC)

Heard Mr.N.Ramamohan Rao, counsel for the applicant and Shri V.Bhimanna, SC for Railways for the respondents.

2. By order dated 4-1-95 passed in the O.A. it was left open to the applicant to raise his dispute if there was any as regards to the actual amounts due to be paid to him and as were actually paid to him in respect of retiral benefits, with the authorities concerned. The applicant filed a representation on 8-3-95 to the D.R.M. claiming certain amounts as due to

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him and requesting for issuance of revised pension pay order. He also claimed payment of interest on all dues along with principal amounts against certain items as payment of interest was ordered by the Tribunal. It may be mentioned that in the order it was ^{held} ~~communicated~~ ~~that interest at the~~ normal rate for the period from 1-10-90 to the date of ~~payment~~ ^{which implies} that the interest was paid on the difference of amount if found payable over and above the amounts already paid. It is now contended that interest should have been paid on such amounts as are not disputed. But the respondents have neither paid that amount nor they have finalised or settled the claim of the applicant as detailed in his representation dated 8-3-95 and thus the respondents are in breach of the order.

3. It appears to us that the dispute over the actual ~~amounts due and payable to the applicant was to be~~ ^{amounts} determined by the respondents and that was no longer a matter which could be agitated in the O.A. and, therefore, the question of committing a breach of the order does not arise. As far as payment of interest is concerned it is possible to interpret the order to ^{mean} ~~be a~~ ~~ground~~ ^{only} that after all the dues were finally settled the question of interest ^{is to} ~~will~~ be resolved in accordance with the final settlement and it has not ^{to be} ~~been~~ worked out stage by stage. We are, therefore, not inclined to accept the contention that there has been wilful disobedience ^{to} ~~of~~ the order.

4. We are, however, of the opinion that the respondents could have disposed of the representation

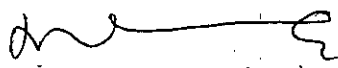
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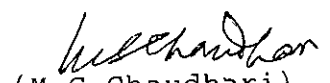
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of the applicant and settled his dues finally so as to enable him to take further steps if he was aggrieved by any part of that decision. Practically one year is about to elapse and in the matter of pensionary dues further delay is unjustifiable. In the circumstance we make the following direction:

"The DRM, R.2, to dispose of the representation of the applicant dated 8-3-95 and convey his decision date of receipt of the copy of this order. The said respondent is further directed that without waiting for the disposal of the representation if there be any amounts payable to the applicant on which there is no dispute but have not so far been paid, interest will be calculated thereon for the period from 1-10-90 upto the date ^{on} ~~of order~~ till the date on which the amounts were actually paid and pay the said amount of interest to the applicant within a period of two months from the date of receipt of the copy of the order. The question of interest on the disputed amounts shall be dealt with when final decision on the representation is taken. We make it clear that if even after the decision is taken on the representation, any dispute survives, the applicant may agitate the same by an independent OA and no miscellaneous application or contempt application will be entertained on that ^{amount} ~~amount~~."

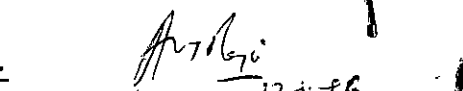
5. Subject to the above directions the contempt petition is disposed of. Copy of the order be forwarded to the Respondent No.2 early. No costs.


(R. Rangarajan)
Member (Admn.)


(M.G. Chaudhari)
Vice-Chairman

Dated the 4th day of April, 1996.
Dictated in open court

mhb/-


Deputy Registrar