

34

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1571/93

Date of Order: 4.1.95

BETWEEN :

D.Suryanarayana

.. Applicant.

A N D

1. Union of India, Rep. by
General Manager,
S.C.Railway, Rail Nilayam,
Secunderabad.
2. The Divisional Railway Manager (B.G.)
South Central Railway,
Rail Nilayam, Secunderabad. .. Respondents.

Counsel for the Applicant

.. Mr.T.Pandu Ranga Chary

Counsel for the Respondents

.. Mr.V. Bhimanna

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

53

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X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

The claim in this application is for interest for the delayed payment of pensionary benefits to the applicant. The applicant joined S.C. ~~on deputation to IRCON~~ As he was to be absorbed in IRCON he applied to S.C.Railway requesting that he be deemed to have retired from the railways w.e.f. 1.9.84. Later on again he sought retirement w.e.f. 1.5.85. The railways however informed him vide order dated 16.1.89 that his lien was terminated retrospectively w.e.f. 29.6.84. Aggrieved by the same he approached the Tribunal in O.A.349/89. The Tribunal allowed the plea of the applicant and directed, vide its order dt. 19.4.90 that the applicant be deemed to have been absorbed permanently in IRCON w.e.f. 16.1.89. The Tribunal further directed that the applicant would be entitled to all consequential benefits flowing from his absorption w.e.f. 16.1.89 by way of salary and pension etc.

2. Soon after the judgement of the Tribunal in OA.349/89 the applicant submitted his pension papers on 24.6.90 although he had submitted similar papers earlier also. The respondents took their own time and paid his retiral benefits as per details shown below:-

1. Provident fund Rs. 35,859/- paid on 13-7-92.
2. Leave encashment Rs.17,802/- paid on 25-8-92.
3. D.C.R.G. Rs.13,320/- paid on 9-9-92 and Rs.16,006/- paid on 1-2-93.
4. Commutation of pension Rs.1,67,005/- paid on 15-11-92.
5. Arrears of pension Rs.49,056/- paid on 2-12-92.

56

3. The applicant also disputed the correctness of the clarifications made by the respondents in arriving at the amounts shown above.

4. The respondents in their counter affidavit have stated that they received the pension papers on 16.11.91 and as such there was not much delay in making the payments to the applicant.

5. Heard learned counsel for both the parties. Mr.T.Pandu Ranga Chary, learned counsel for the applicant stated that in view of the delay in payments the applicant would be entitled to interest thereon, even as per extant government instructions. As regards the correctness of the amounts paid to the applicant, he submits that disputes in this regard would be settled by the applicant in direct correspondence with the concerned authorities.

6. Mr.V.Bhimanna, learned standing counsel for the respondents reiterated that at the relevant time that the applicant was serving with IRCON, Bagdad and even if he had submitted the pension papers to IRCON on 24.6.90, it would have taken considerable time for the papers to reach the respondents. As the respondents received the papers only on 16.11.91 and as all the payments were made by the middle of the 1992, ^{to} The applicant would not be entitled to any interest on the payments as the delay was not unreasonable.

7. During the hearing of the case Mr.Panduranga Chary learned counsel for the applicant has shown me a copy of the pension form ~~to be~~ filled in by the ^{applicant.} ~~staff~~. A perusal of the same would indicate that it was received by and

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countersigned by the Project Manager, IRCON on 24.6.90.

Presuming that it would have take some time for the papers to reach the respondents a period of 3 months could be allowed for this purpose. Thus the retiral benefits of the applicant should have been finalised by 1st October, 1990 the latest. In view of this I am of the view that the respondents are liable to pay normal rate of interest for the period from 1.10.90 to the dates of payments ~~of arrears~~ to the applicant. Accordingly I direct the respondents to pay interest at the rate of 12% per annum on the said amounts from 1.10.90 to the date of payment.

8. As already submitted by the applicant's counsel if there is any dispute as regards to the actual amounts due to be paid to the applicant ~~and was actually paid~~ to the applicant the same may be resolved by correspong with the authorities concerned.

9. The O.A. is ordered accordingly without any order as to costs.

Amys
(A.B.GORTHI)
Member (Admn.)

Dated: 4th January, 1995

(Dictated in Open Court)

Amys
1-1-95
DEPUTY REGISTRAR (J)

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TO

1. The General Manager, rep. by Union of India, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager, (B.G), South Central Railway, Railnilayam, Secunderabad.
3. One copy to Mr.T.Panduranga Chary, Advocate, 3-4-498, Barkatpura Chaman, Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl.CGSC,CAT,Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR