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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 1609/93.

Dt. of Decision : 27-9-94.

G. Sreenivasa Rao

.. Applicant.

Vs

1. Union of India rep. by
General Manager,
SE Rly, Garden Reach,
Calcutta - 43 (WB)
2. Divl. Railway Manager(Personnel)
SE Rly, Puulia District,
ADRA (WB) - 723 121,
3. Sr. Project Manager,
(Construction)
SE Rly, Visakhapatnam.
4. Sr. Divisional Accounts Officer,
SERly, Adra - 723 121,
Purulia District (WB)

Counsel for the Applicant : Mr. Y. Subramanyam

Counsel for the Respondents: Mr. CV Malla Reddy, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

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

X As per Hon'ble Justice Shri V. Neeladri Rao,
Vice-Chairman X

J U D G E M E N T

The applicant retired from service as Chief Typist on 31-7-92. The DCRG amount was paid on 5-3-93. GPF amount was paid on 18-3-93 and the Commutation amount ^{was paid} on 1-3-93. Pension for the first time was paid in June, 1993. This OA was filed praying for a direction to the Respondents to arrange payment of interest from 1-8-92 to 28-2-93 on settlement of dues of Rs. 1,13,415/- due to delayed payment and for costs.

2. The contentions for the applicant are as under:

By settlement memorandum dated 6-4-92 the applicant was required to submit his pension papers and he submitted them immediately. The Waltair Construction office in which the applicant was working processed those papers and sent them to Adra office on 11-6-92, as the Adra office was maintaining the lien of the applicant, ^{action} The only that has to be taken by the Adra office is to make the relevant entries and then send them back to Waltair office. As there was delay on the part of the Adra office ~~there was delay in payment of the terminal benefits~~ of the applicant. As it was due to the negligence of office of the Adra and as there was delay in the payment of dues to the applicant, the applicant claimed interest on the delayed payments. // It is stated for the Respondents that as per Railway Pension Rule 1004, the employee has to file the pension papers 6 months prior to the date of retirement, and as the applicant filed them only 2 months earlier to the same ~~and as~~ ~~such~~ there was delay of 4 months on the part of the

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applicant in submitting the pension papers and as in the normal course, the terminal benefits have to be paid within 3 months from the date of retirement and when there was delay of only 4 months therefrom ⁱⁿ payment of the terminal benefits, it cannot be stated that there was any inordinate delay on the part of the Administration in disbursing the terminal benefits of the applicant. Thus in short, the contention for the Respondents is that 6 months are required for processing and the dues have to be paid within 3 months thereafter and as in this case, the payments were made within 9 months after the submission of the pension papers by the applicant, there was ^{no} delay on the part of the administration and hence it is not a case for direction for payment of the interest.

3. There is no need to wait till the approval of the pension for payment of the GPF amount due to the employee. Thus there is no explanation for delay in payment of the GPF amount of Rs.15,107/-. Thus we feel it a proper case where a direction has to be given for payment of interest at 12% from 1-8-92 till the date of payment of Rs.15,107/- towards G.P.F.

4. Of course, as a matter of practice, the establishment might be alerting the employees in regard to the necessity of submission of ^{pension} papers in time. But when the pension rule makes it clear that it is the duty of the employee to submit pension papers 6 months earlier to the date of retirement and if by that time the department is not going to alert the employee, the said employee is

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free to approach the concerned and request for the necessary papers for submitting the same after filling them. Thus, it cannot be stated that the contention for the Respondents that there was delay of 4 months on the part of the applicant in submitting the pension papers as baseless. It is a case where the applicant contributed for delay of 4 months. Of course, it would have been different if inspite of the said delay on the part of the applicant, the concerned employee at Adra office was prompt, ~~as there~~ would not have been delay in disbursing the terminal benefits. Now when it is a case of contributory negligence on the part of the applicant, he cannot claim interest to the extent of delay for which he is responsible.

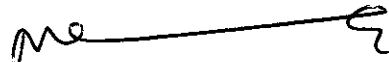
5. Thus by considering the effect of rule 1004 which states that the pension papers have to be submitted 6 months prior to the date of retirement and the Railway Board's letter No.F(E)III. 79 PNL/15 dated 14-9-84 which is to the effect that if there is delay in payment of DCRG beyond 3 months and upto one year, interest is payable at 7% per annum, It ^{has} ~~is~~ to be stated that there is a delay in payment if it is beyond 9 months from the date of submission of the ^{pension} papers. On that basis it ^{has} ~~is~~ to be held that there was delay of one month in payment of DCRG and commutation amounts, for the Cheque for DCRG amount of Rs. 42,900/- dt. 5-3-93 is said to have been received on 8-3-93, and the cheque for Commutation amount of Rs. 53,974/- dated 12-2-93 was stated to have been received on 1-3-93. Hence

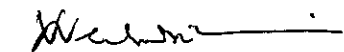
we find that interest at the rate of 7% per annum for one month has to be paid on the above amounts.

6. In the result, the OA is ordered as under:-

The interest at 12% on the GPF amount of Rs. 15,107/- has to be paid from 1-8-92 till the date of payment if that interest is not yet paid. The Respondents have to pay interest for one month at the rate of 7% per annum on the DCRG amount of Rs. 42,900/- and commutation amount of Rs. 53,974/-.

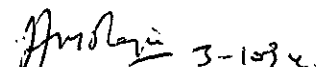
7. The OA is ordered accordingly. No costs./


(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated the 27th September, 1994
Open court dictation.

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Dy.Registrar(Judl)

Copy to:-

1. General Manager, S.E.Railways, Union of India, Garden Reach, Calcutta-43 (W.B.)
2. Divisional Railway Manager(Personnel) S.E.Rlys, Purulia District, ADRA (WB)-723 121.
3. Sr.Project Manager, (Construction) S.E.Railways, Visakhapatnam.
4. Senior Divisional Accounts Officer, S.E.Railways, ADRA-723 121, Purulia District (WB).
5. One copy to Mr.Y.Subramnayan, Advocate, 45-58-7, Narasimhanagar, Saligramapuram, Visakhapatnam-530 024.
6. One copy to Mr.C.V.Malla Reddy, S.C.for Rlys. CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.

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04-1609/93

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADJN)

DATE:

27-7-94
1994

~~ORDER~~/JUDGMENT

M.A.No./P.A/C.A.No.

O.A.No.

1609/93

~~T.A.No.~~

(W.P.No)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

