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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No : 1391/94

Date of Order: 30.9.97

BETWEEN :

G.Balarama Dass ..Applicant.

AND

1. Union of India, rep. by its General Manager, S.E.Rly.,
2. Divisional Railway Manager, S.E.Rly., Waltair, Visakhapatnam.
3. Sr.Divisional Accounts Officer, S.E.Rly., Waltair, Visakhapatnam.

.. Respondents.

Counsel for the Applicant .. Mr.P.B.Vijay Kumar

Counsel for the Respondents .. Mr.N.R.Devraj

CORAM :

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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)(As per Hon'ble Shri R.Rangarajan, Member(Admn.))(

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None for the applicant. Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant in this OA submitted his voluntary retirement application on 17.7.92. His voluntary retirement was accepted from 26.10.93. Quoting reference to Railway Board's letter NO.E(P&A)1-77/RT-46, dated 9.11.77, the applicant submits that he made various representations on 13.11.92, 3.8.93 and 6.10.93 seeking payment of pensionary benefits and finally he issued lawyer's notice on 22.9.94 after he was voluntarily retired from 26.10.93. The retirement was delayed due to administrative reasons and that he is entitled to be relieved on the expiry of the 3 months notice in terms of the Railway Board's letter. He

"The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the become effective from the date of expiry of the said period".

3. As the respondents failed to adhere to the rule he cannot be penalised and he should have been paid the final settlement dues 3 months after the voluntary retirement as the respondents have not intimated him as the voluntary pensioner. As there was delay in payment of pensionary benefits he now asks for interest on the delayed payment.

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4. This OA is filed praying for a direction to the respondents to calculate the pensionary benefits in terms of Railway Board's letter No.PC III(73)Med/2, dated 24.1.75 w.e.f. 17.10.92 and order payment of the difference of benefits with 18% interest.

5. A reply has been filed in this OA. The main contention of the respondents is that the applicant was involved in a vigilence case and that took some time to decide when it was decided to close that ^{Case} on 4.3.93 on the basis of the ^{letter of} Chief Vigilance Officer. His voluntary retirement was accepted and he was relieved on 26.10.93. Thereafter his pensionary benefits were paid immediately without any delay. Hence the applicant cannot ask for any interest on the basis that his pensionary benefits ~~were~~ delayed.

6. The only point for consideration in this OA is whether the contention of the applicant that in case his voluntary retirement is not considered and is informed about the result before the expiry of the 3 months period can be treated as an employee in service after that 3 months period.

7. There is no doubt that there was a vigilance case, which was enquired into by the Vigilance Organisation. The applicant had attended the enquiry at GRC on 21.12.92 after the letter dated 24.12.92 which was produced by the learned standing counsel for the respondents today. Hence it cannot be said that there was no vigilance case pending against him for enquiry. It cannot also be said that the applicant had refused to attend the enquiry proceedings. ^{He attended on} 21.12.92 after resuming duty on 9.12.92. It is evident from

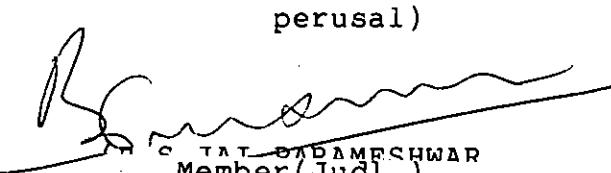
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his own letter. If the respondents did not accept the applicant's voluntary retirement letter in time it will not stand in the way of the respondents to continue him in service even beyond 3 months as the vigilance case was pending. The vigilance case was closed which was informed to the Railways by the Chief Vigilance Officer on 4.3.93. On that basis further action was taken and his voluntary retirement was accepted w.e.f. 26.10.93. It was also stated in the reply that the Chief Vigilance Officer informed R-2 on 28.9.93 that the case against the applicant was closed with the approval of the Railway Board. As the case was closed on 4.3.93 the applicant's voluntary retirement can be effected after that date only. His voluntary retirement was accepted from 26.10.93 within a month after the approval of the case i.e. on 28.9.93. Hence we do not find any reason to grant any interest on the alleged delayed payment on pension and pensionary benefits. The pension and pensionary benefits were disbursed to him within a short period as indicated in page-3 of the OA. Hence the applicant is not entitled for any interest on the delayed payment. He is not eligible to grant any interest on pension and pensionary benefits.

8. In that view the OA is liable only to be dismissed and accordingly it is dismissed. No costs.

(The records are returned to the respondents after perusal)

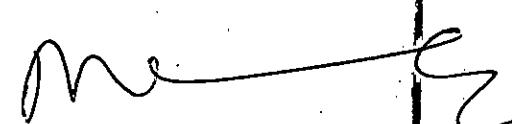

S. T. T. DAMESHWAR
Member (Judl.)

30.9.97

Dated : 30th September, 1997

(Dictated in Open Court)

sd


R. RANGARAJAN
Member (Judl.)


M. J. D.

29/10/97
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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (J)

Dated: 30-9-97

ORDER/JUDGMENT

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

in

O.A.NO. 1391/94

Admitted and Interim Directions
Issued

Allowed

Disposed of with Directions

Dismissed ✓

Dismissed as withdrawn

Dismissed for Default

No order as to costs ✓

YLR

II Court

