

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 656 of 1996

DATE OF ORDER: 11th July, 1996

BETWEEN:

P. NARAYANA MURTHY

.. Applicant

and

Union of India represented by:

1. The General Manager,
South Eastern Railway,
Garden Reach, Calcutta-43m
2. The Chief Project Manager,
S.E.Railway, Visakhapatnam,
3. The Senior Divisional Railway Manger (Per),
S.E.Railway, Chakradharpur,
4. The Senior Divisional Accounts Officer,
S.E.Railway,
Chakradharpur. .. Respondents

COUNSEL FOR THE APPLICANT: SHRI Y. SUBRAHMANYAM

COUNSEL FOR THE RESPONDENTS: Mr. V. BHIMANNA, Addl. CGSC

CORAM:

HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGEMENT

(AS PER HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMINISTRATIVE))

Heard Shri Y. Subrahmanyam, learned counsel for the applicant and Shri Satyanarayana Murthy representing Shri V. Bhimanna, learned standing counsel for the respondents.



39

2. Though notice before admission was issued on 7.6.96, respondents failed to file reply even today. It has become a chronic disease in this Tribunal that the respondents never file reply in time. As the case is ~~of~~ important and as the applicant is a retired employee, I thought it fit to dispose it of on the basis of the records available without waiting for any reply.

3. The applicant retired as Head Clerk from the office of the Chief Project Manager, S.E.Railway, Visakhapatnam with effect from 31.7.94. It is stated that he had submitted all pension and other concerned papers including photographs well in time i.e., on 1.11.93. It is also stated that the applicant's pension papers were duly received by the local Accounts Officer and forwarded to the Personnel Branch, Chakradharpur under letter No.CAO(C)/VSKP/E/135/PNM/TR/July 94/Spl, dated 14.7.94 and that letter was acknowledged by the Personnel Branch on 19.7.94. It is further stated that the Administration failed to pass the payment order after cross checking with the Construction Organisation. Even though the Construction Organisation has submitted necessary papers on 14.7.94, he was paid pensionary benefits on various counts in February 1995 except DCRG which was reported to have been paid on 8.9.95. The details in this connection are at Annexure A-10.

4. The applicant earlier filed O.A.NO.678/95 on the file of Cuttack Bench of this Tribunal. But that OA was

D

disposed of with liberty to file a fresh OA before this ~~Bench~~ ^{lunch} ~~lute~~ Tribunal as that ^{lute} Tribunal has no jurisdiction in view of the fact that the applicant was working at Visakhapatnam at that time. In view of the directions of the Cuttack Bench of this Tribunal, he has filed this OA on the file of this Bench praying for direction for payment of interest on the delayed payment of pension, commuted value of pension and DCRG at 18% per annum for the period from the date of retirement till they are paid.

5. As the respondents have lost their chance to file reply even after giving them sufficient time to file reply, this OA as stated earlier is disposed of on the basis of the facts available on record.

6. This Tribunal is consistently holding ⁱⁿ that pensioners are entitled for interest at 12% per annum if the settlement dues are paid beyond six months from the date of retirement of the employee provided the employee submits his papers in time. As can be seen from the averment in this OA that the applicant filed the connected papers in connection with the payment of pension and pensionary dues well in time in 1995 itself i.e., about 9 months earlier to his date of retirement. Hence the delay in payment of settlement dues by the respondents, ^{lating 6 months from the date of retirement} on any reason cannot be accepted. It has to be held that the applicant is entitled for interest for the amounts paid on or after 1.2.95 i.e., after the expiry of six months from 1.8.94.

7. In the result, the following direction is given:-

Any delayed payment of final settlement dues of the applicant paid on or after 1.2.95 carries interest @ 12% per annum for the period from 1.2.95. Time for compliance is three months from the date of receipt of a copy of this order.

8. The OA is ordered accordingly at the admission stage itself. No costs.


(R. RANGARAJAN)
MEMRRP (ADMN.)


D.R. (S) 17-7-96

vsn

DATED: 11th July, 1996
Open court dictation.

22

O.A. No. 656/96

Copy to:

1. The General Manager,
South Eastern Railway,
Garden Reach, Calcutta,
2. The Chief Project Manager,
South Eastern Railway,
Visakhapatnam.
3. The Senior Divisional Railway Manager, (Per),
South Eastern Railway,
Chakradharpur.
4. Senior Divisional Accounts Officer,
South Eastern Railway,
Chakradharpur.
5. One copy to Mr. Y. Subrahmanyam, Advocate, CAT, Hyderabad.
6. One copy to Mr. S. Bhimanna, Addl. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One duplicate copy.

YLKR

9/1/96
O A 656/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 11.7.96

ORDER/JUDGEMENT

O.A. NO./R.A./C.P. No.

in

O.A. NO. 656/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
प्रेषण/DESPATCH
30 JUL 1996 Now
हैदराबाद बैच
HYDERABAD BENCH