

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR

O.A. No. 85/94 : Date of order 01.03.94
K.C. Singh : Applicant
V/s
Union of India & Ors: Respondents
Mr. C.R. Premi : Counsel for the applicant

CORAM

Hon'ble Mr. Gopal Krishna, Member (J)

Hon'ble Mr. O.P. Sharma, Member (A)

AS PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J)

Applicant K.C. Singh has filed this application u/s 19 of the Central Administrative Tribunals Act, 1985, praying that the respondents be directed to grant interest on delayed payment for a period of 30 months of Gratuity and commuted value of pension amounting to Rs. 1,78,989/- at 12% p.a., as also for a direction to grant the refund of the unauthorised recovery of Rs. 12,962/- from his DCRG after a long period by the Accounts Office.

2. We have heard the learned counsel for the applicant and have perused the records.

3. The applicant retired as Senior Divisional Commercial Superintendent, Western Railway, Kota, on 28.02.90. The contention of the applicant is that since the disciplinary proceedings initiated against him during his service period could be finalised in August, 1992 after a lapse of 7 years and they could not be completed before the applicant's retirement, the delay in the payment of Gratuity and commuted value of pension was due to the lapses on the part of the Administration and as such the applicant is entitled

to interest thereon. The applicant has also claimed refund of an amount of Rs. 12,962/- which is alleged to have been deducted from his DCRG in an authorised manner without issuing any show-cause notice to him. The learned counsel for the applicant instead of pressing this application on merits wants that the representation made by the applicant at Annexure A-4 dated 20.7.93 be decided on merits through a speaking order after affording an opportunity of hearing to him. The learned counsel also states that this representation has not been disposed of by the respondents till date.

4. We, therefore, dispose of this O.A. at the admission stage with the following directions.

- (i) The respondents are directed to dispose of the representation made by the applicant vide Annexure A-4 dated 20.7.93 through a detailed order on merits after hearing the applicant within two months from the date of receipt of a copy of this order.
- (ii) The applicant shall however be at liberty to file a fresh OA, if he is aggrieved by the decision taken by the respondents on his representation.

(O.P. Sharma)
Member (A)

Gopal Krishna
(Gopal Krishna)
Member (J)