

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 04.12.1998

OA 260/97

V.C.Jain, Retired Assistant Divisional Accounts Officer, Kota Division, Western Railway, Kota.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Financial Advisor & Chief Accounts Officer, Western Railway, Churchgate, Mumbai.
3. Divisional Railway Manager, Kota Division, Western Railway, Kota.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... None

For the Respondents

... Mr.U.D.Sharma

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant V.C.Jain has claimed interest on the delayed payment of DCRG and commutation of pension from the date of his retirement i.e. 30.9.1991 to 15.11.1996, on which date the aforesaid payments were made.

2. None is present for the applicant even in the second round. None was present for the applicant on the preceding date of hearing also. Heard the learned counsel for the respondents. Records of the case have been carefully perused.

3. The facts of the case are as follows. The applicant retired as Assistant Divisional Accounts Officer in the office of the Divisional Railway Manager, Kota, on attaining the age of superannuation on 30.9.1991. He was thereafter entitled to all pensionary benefits but the death-cum-retirement gratuity and the commuted value of pension were withheld due to the pendency of disciplinary proceedings against him. It is pleaded by the applicant that in view of the Railway Board's instructions, the disciplinary proceedings ought to have been completed within 150 days of its commencement but the proceedings lingered on due to administrative lapses for years together and the money payable towards DCRG and commuted value of pension ~~was~~ remained withheld and in such circumstances the applicant is entitled to interest thereon @ 12% per annum. It is also pleaded that the action of the respondents for non-payment

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of interest @ 12% per annum for the withheld amount from 30.9.1991 to 15.11.1996 is arbitrary, unjust and unreasonable. On the contrary, the respondents have stated that the applicant became entitled to the payment of DCRG and commutation of pension on the conclusion of the disciplinary proceedings vide order dated 26.7.1996 and consequently the payment pertaining to the said retiral benefits was released within a very short period of 3½ months, which cannot be said to be a case of delayed payment of the said benefits. It is contended by the respondents that the applicant is not entitled to the payment of interest as claimed by him.

4. It is borne out by the record that disciplinary proceedings had been initiated against the applicant vide the charge-sheet dated 22.4.1991 and when the applicant retired on superannuation on 30.9.1991, the aforesaid disciplinary proceedings were still pending against him. In accordance with the provisions contained in Rule 10(1)(c) of the Railway Services (Pension) Rules, 1993 and Rule 5 of the Railway Services (Commutation of Pension) Rules, 1993, the amount of gratuity or DCRG and commutation of pension were required to be paid to the applicant only on the conclusion of the disciplinary proceedings and the issuance of the final orders thereon. It is denied by the respondents that the enquiry was prolonged due to administrative lapses. The payment of DCRG and the commutation of pension had been withheld due to the pendency of disciplinary proceedings for major penalty against the applicant. It cannot, therefore, be said that the payment of the aforesaid benefits had become due to the applicant on the date of his retirement and the applicant was unjustifiably deprived of its use. Since, in the instant case, the amount of DCRG and commutation of pension had been withheld properly due to the pendency of the disciplinary proceedings on the date of retirement of the applicant and on the conclusion of the said proceedings the payment of DCRG and commutation of pension has been released within a short period of 3½ months, it cannot be said to be a case of any administrative lapses. The disciplinary proceedings having been concluded on 26.7.1996, the applicant became entitled to the payment of DCRG and commutation of pension only on that date. The payments were released within a short period of 3½ months. In the circumstances, there was no delay in releasing the said amount and the applicant is not entitled to payment of any interest thereon. The action of the respondents in withholding the aforesaid benefits cannot be faulted.

5. The OA is, therefore, dismissed with no order as to costs.

G. Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN