

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.
O.A.NO. 527/97 Date of order: 03.11.1999

K.C.Misra, S/o late Shri B.N.Misra, R/o 29, Ved Marg,
(Behind Unique Public School) Shanti Nagar, Hasanpura,
Jaipur.

...Applicant.

Vs.

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
 2. Divisional Railway Manager, Northern Railway, Allahabad.
- ...Respondents.

Mr.N.C.Goyal - Counsel for applicant

Mr.Manish Bhandari - Counsel for respondents.

CORAM:

Hon 'ble Mr.S.K.Agarwal, Judicial Member

PER HON 'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application the applicant makes a prayer to give directions to the respondents for payment of LIC and DA arrears with interest @ 18% per annum and the cost of litigation.

2. Reply was filed to this O.A by the respondents in which plea of limitation has been raised.

3. Rejoinder has also been filed by the learned counsel for the applicant which is on record.

4. Heard the learned counsel for the applicant and perused the whole record.

5. It is submitted by the learned counsel for the applicant that the applicant is agitating this matter from the year 1993 and ultimately the O.A filed by him was disposed of with a direction to file a representation before the competent authority. The applicant filed the representation which was disposed of by the respondents and the applicant also filed a Contempt Petition which was also disposed of with the direction that in case of a claim of interest, the applicant may file another O.A. In view of this fact as stated by the applicant and admitted by the respondents, this O.A is within the limitation.

6. On the perusal of Annx.A2 which is a letter issued by the respondents which reads as under:

...2.

Northern Railway

No.EM-II/TRD/Fixation/CAT/Cal/
K.C.Mishra.

Office of the Divl.
Railway Manager, Allahabad.

Feb. 26, 1995

Shri K.C.Mishra
Ex LTFCCRS/Tundla
29, Behind Unique Public School,
Shanti Nagar, Hasanpura,
Jaipur-302006.

Reg: CAT/Jaipur's judgment dated 25.4.94
in Case OA No.613/93 K.C.Mishra Vs.
UOI & Ors.

Ref: Your application dt. 2.6.94.

In compliance of the judgment referred to above, your representation dt. 2.6.94 has been received.

As per directions of the Hon'ble CAT/Jaipur the respondent No.3 has disposed of your representation and the decision taken is as under:

1. The CAT/Calcutta's judgment has been implemented in its true spirit and there is no direction for payment of interest as claimed due to the fact that these orders were to be implemented retrospectively and for arranging the payment the relevant documents were required to be collected from different points as you were transferred and promoted to Group-3 service in other Rlys/Divn.

In similarly placed cases payments were arranged on receipt of documents from other points.

2. So far as LIC deduction refund claimed, the same has been arranged for payment vide CD& No.7628 dt. 12.1.95 for Rs.274/-.
3. As regards the payment of D.A arrears for the period Nov. & Dec.1985, the same has been arranged vide CO7 No.7205 dated 20.12.94 amounting to Rs.124/- for payment.

Sd/-

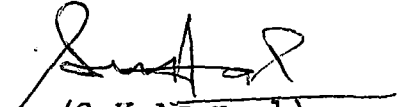
for Divl.Railway Manager
N.Rly. Allahabad.

7. On a perusal of the above letter the claim of the applicant has been admitted by the respondents, and stated that the payment has been made to the applicant. The learned counsel for the applicant has submitted during the course of arguments that the applicant did not receive the payment so far as mentioned in the letter Annx.A2 issued by the respondents. Since no payment is made to the applicant in spite of the orders issued by the respondents, the applicant is also entitled to claim interest on the arrears @ 12 percent per annum till the payment is made.

8. I, therefore, allow this O.A and direct the respondents to pay the applicant Rs.274/- as LIC deduction refund and Rs.124/- as payment of D.A arrears for the period Nov. & Dec. 1985 (if already not paid) alongwith interest @ 12% per annum.

from 1.4.1995 till the applicant receives the payment of the aforesaid amount, within a period of two months from the date of receipt of a copy of this order.

9. No order as to costs.


(S.K. Agarwal)
Member (J).