

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 23.08.02

OA No.368/2001

B.H.Peters s/o late Shri C.M.Peters, Retd. 'A' Grade Guard, Gangapur City, presently resident of 525, Shastri Nagar, Dadawari, Kota.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager (E), Western Railway, Kota.
3. The Senior Divisional Accounts Officer, Western Railway, Kota.

.. Respondents

Mr. V.P.Mishra - counsel for the applicant

Mr. T.P.Sharma - counsel for the respondents

CORAM:

HON'BLE MR. H.O.GUPTA, MEMBER (ADMINISTRATIVE)

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

O R D E R

Per Hon'ble Mr. H.O.Gupta, Member (Administrative)


The applicant is aggrieved of the order dated 23.4.98 (Ann.A1) whereby it has been ordered that only the applicants who were before the respective CAT Benches be allowed interest at the rate of 12% on the arrears falling due from the date of the judgments of various Benches and in relief he has prayed for appropriate directions to the respondents to allow him also the interest at the rate of 12% on the amount of arrears paid to him on 6.3.2000, from the date of his retirement i.e. 29.8.73 and in the

alternative from the date of the judgment of the Full Bench dated 16.12.1993 in the case of C.R.Rangedhameiah and ors. v. Chairman, Railway Board. He has also prayed for quashing the order dated 17.4.98 (Ann.A1) to the extent it directs payment of interest to the applicant in OAs' alone.

2. The respondents have contested this application. The applicant has not filed rejoinder.

3. Heard the learned counsel for the parties and perused the record.

3.1 The case of the respondents is that the applicant has already been paid pension with arrears by adding 75% of the running allowance w.e.f. 30.8.73 pursuant to the orders of the Principal Bench and also the judgment dated 25.7.97 of the Hon'ble Apex Court in Civil Appeal, No.4174-82 of 1995. He further submitted that the interest at the rate of 12% as sought by the applicant is not payable since the judgment of the Larger Bench was not the judgment in rem whereas the contention of the learned counsel for the applicant is that although the applicant was not a party in the said judgment of the Larger Bench, but the judgment was in rem and it was applicable to the applicant also. The learned counsel for the respondents further submitted that they have not paid interest to any other person who was not a party to the OAs. Further, that as per the order of the Larger Bench, relied upon by the learned counsel for the applicant, the interest was payable only if the amount of arrears was not paid in time.



3.2 We have given considerable thought to the contention of the learned counsel for the rival parties. The para 18(4) of the judgment of the Larger Bench reads as under:-

"If the amounts due to the applicants/L.R.s are not paid within prescribed time, the amounts due shall be paid with interest at 12% per annum from the date of this order till the date of payment."

It was also ordered that the directions with regard arrears due to the applicants/LRs on the basis of recomputation shall be carried out within a period of three months from the date of receipt of the copy of this order.

3.3 In the judgment of the Larger Bench, the directions were to pay the said amount within 3 months' time from the date of receipt of the order and only in the event, the said directions were not complied with, the interest was payable from the date of the order till the date of payment. Therefore, with regard to interest, this judgment cannot be construed to mean that the judgment in rem. The interest is payable to those who were applicants in the OA and only when the respondents did not pay the amount in prescribed time. The respondents have already complied with the order with regard to payment of arrears on pension based on the directions of the Tribunal as upheld by the Hon'ble Apex Court by giving benefit of adding 75% of the running allowance.

4.0 In view of above discussions, we are of the



: 4 :

firm view that this OA is devoid of merit. Accordingly, it is dismissed.

5. No order as to costs.



(M.L. CHAUHAN)

Member (Judicial)



(H.O. GUPTA)

Member (Administrative)