

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 339/2001

DATE OF ORDER: 13.11.2003

Nathulal Gurawa son of Shri Seduram aged about 63 years, resident of near Railway Station, Chomu-Sanod, P.O. Khadi Bagh, Chomu District Jaipur and Retired Station Superintendent, Chomu Sanod Western Railway, Chomu District, Jaipur.

.... Applicant

VERSUS

1. Union of India through the Secretary to the Govt. of India, Department of Railways, Ministry of Railways, New Delhi.
2. General Manager (E), Western Railway, Church Gate, Mumbai.
3. Divisional Railway Manager, Western Railway, Jaipur.

... Respondents.

None present for the applicant.

Mr. Shailesh Prakash Sharma, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

The applicant is aggrieved by the inaction on the part of the respondents in not making payment of the interest on the withheld amount of Rs. 3,14,693/- being the retiral benefits w.e.f. 17.1.1996 and has filed this application whereby praying for the following reliefs:-

1. That the respondents be directed by issuance of an appropriate order or direction to pay the interest @ Rs. 24/- P.A. at the market rate for all the withheld amounts since 17.1.1996 as stated in facts and grounds above.
2. Any other relief which this Hon'ble Tribunal thinks just and proper in favour of the applicant including costs."

2. The relevant facts which are necessary for deciding this case are that the applicant while working as Station Superintendent, Western Railway, Chomu Sanod Railway Station retired from service on 30.6.1996. It is further stated that after retirement his retiral benefits as mentioned in Para 2 was sanctioned on 01.07.1996.

However, the whole amount of DCRG amounting to Rs. 101,578/- was not paid due to retention of quarter but subsequently made part payment of DCRG and retained DCRG worth Rs. 62,185/-. It is further stated that the applicant was served with a charge sheet under Rule 9 of Railway Servants (Discipline & Appeal) Rules, 1968 vide Memo dated 1.9.1993 (Annexure A/3), which culminates into imposition of penalty of reduction in time scale at the minimum pay of Rs. 2000/- per month for a period of two years with future effect. An appeal submitted against the impugned penalty was also dismissed vide order dated 21.11.1994. The applicant submitted Revision Petition to the President of India on 4.10.1995 (Annexure A/5). Since the Revision Petition was pending for consideration before the President of India and the applicant retired on 30.6.1996, the respondents, therefore, withheld the following retiral benefits:-

1. D.C.R.G.	Rs. 62,185/-
2. Commutation of Pension	Rs. 1,80,749/-
3. Arrears of leave salary	Rs. 73,601/-
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Total:	Rs. 3,14,963/-

It is further averred that Review Petition dated 4.10.1995 (Annexure A/4) was decided vide order dated 6.11.1998 and communicated to the applicant vide order dated 4.10.1999. The applicant was fully exonerated of the charges. Thus the contention of the applicant is that pursuant to this exoneration vide order dated 6.10.1998 as communicated vide order dated 4.10.1999 (Annexure A/6), he is entitled to the interest on the aforesaid amount.

3. The notice of this application was given to the respondents. The respondents have filed reply. In the reply, it has been stated that the amount of Rs. 3,14,963/- as mentioned by the applicant was not withheld on account of imposition of penalty as the said penalty stood already imposed prior to retirement of the applicant. The said amount was due on account of revision of pay scales as per the recommendations of the Vth Pay Commission, according to which, there is no provision for payment of interest. It is stated that this payment became payable to the applicant after retirement on account of revision of pay as per the recommendations of the Vth Pay Commission. It is further stated that the amount of DCRG which was withheld on account of the Railway Quarter retained by the applicant had been paid to the applicant on 23.05.1997 after deducting therefrom the amount of Rs. 4,269/- towards rent, electricity charges etc. Further no interest is payable on

64

the amount of DCHS etc. which had become due on account of revision of pay scales in pursuance of the recommendations of Vth Pay Commission.

4. I have heard the learned counsel for the respondents. Initially the applicant was being represented by the Advocate. On account of the death of the learned counsel, the ~~intimation~~ <sup>intimation</sup> was given to the applicant vide order dated 18.9.2003. Despite service, the applicant has not put any appearance when the matter was listed on 24.10.2003. The matter was again adjourned for hearing to 13.11.2003. Today, none has appeared on behalf of the applicant. The applicant ~~is~~ <sup>is</sup> also not present in person. I have considered the matter. Admittedly the amount, as mentioned above, was not withheld on account of imposition of penalty which was awarded vide order dated 1.9.93 much prior to the retirement of the applicant on 30.6.1996. There was no ~~disciplinary~~ <sup>disciplinary</sup> ~~proceedings~~ <sup>proceedings</sup> pending with the authorities when the applicant retired on superannuation. As such question of withholding the said amount does not arise. The fact that the applicant was exonerated subsequently has nothing to do with the payment of retiral benefits. The respondents have placed on record the material which shows that the amount of Rs. 60163/- was due on account of difference of DCHS and amount of Rs. 1,15,949/- as difference of pension commutation on account of revision as per recommendation of Vth Pay Commission and the said amount was paid to the applicant vide cheque dated 11.04.2000. Similarly a sum of Rs. 64,800/- was due on account of remaining amount of pension commutation, which was paid vide cheque dated 24.7.2000. The amount of Rs. 73,601/- was paid vide cheque dated 21.8.2000 on account of difference of amount payable towards leave encashment which became due on account of ~~revision~~ <sup>of pay</sup> ~~in pursuance~~ <sup>of pay</sup> of recommendations of Vth Pay Commission. Thus the entire amount to which interest is claimed by the applicant is not ~~on account~~ <sup>on account</sup> of the amount withheld due to disciplinary proceedings but the amount became due subsequently after retirement of the applicant on account of the revision of the pay scales on the recommendation of the Vth Pay Commission. As such I am of the view that the applicant is not entitled to any interest.

5. Accordingly the OA is dismissed with no order as to costs.

(M.L. CHANDAN)  
MEMBER (J)