

> CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.3 of 2001

Jabalpur, this the 5th day of November, 2003

Hon'ble Shri M.P.Singh-Vice Chairman

Pardeshi S/o late Shri Patan din, aged about 60 years, retired Guard, Central Railway, Jabalpur, resident of 314/315 East Kariya Pathar, Jabalpur (M.P.).

is APPLICANT

(By Advocate - Shri L.S.Rajput)

Versus

Union of India through,

1. The General Manager, Central Railway, Mumbai, CST (Maharashtra)

2. The Divisional Railway Manager, Central Railway, Jabalpur (M.P.) 482001

- RESPONDENTS

(By Advocate - H.B.Shrivastava)

O R D E R (Oral)

The applicant has sought the following main reliefs :-

"(a)direct the respondents to calculate monthly pension/family pension of the applicant on correct average emoluments of last ten months worked out at Rs.9175/- plus 55% mileage as per rules. Other retiral benefits be also calculated accordingly & paid with interest. Reviewed P.P.O. be issued.

(b)direct the respondents to pay interest on delayed payment of Provident Fund amount, Insurance amount, Leave salary & last months wages at market rate."

2. The applicant who was working in the Railways as Mail/Express Guard took voluntary retirement from service with effect from 30.6.1999. The applicant submitted his settlement papers immediately for payment of retiral dues and accordingly he was paid all his retiral dues. As the applicant was not satisfied ^{with} in the payment made to him, he submitted a representation on 30.8.2000 requesting the respondents to review his pension case and also pay interest on delayed payment of retiral dues. The respondent no.2 rejected his claim vide letter dated 8.11.2000. The applicant has made another

representation on 1.12.2000, however, no reply has been received from the respondents to the said representation. Hence the applicant has filed this Original Application.

3. The respondents in their reply have stated that the applicant while working as Mail/Express Guard in the scale of Rs.5500-9000 took voluntary retirement from 30.6.99. According to the respondents the applicant had reached the maximum pay in the grade of Rs.5500-9000 on 1.1.1996 and was entitled for grant of stagnation increment raising his pay to Rs.9175/- on 1.1.1998. He was, however, due for stagnation increment with effect from 1.1.1998 whereas it was sanctioned to him from 1.12.1998. They have detected this mistake later on and rectified the same. Accordingly, the applicant's pay was refixed and revised pension payment order has been sent. It is also stated by the respondents that all the retiral dues have been paid within six months of his retirement.

4. I have considered the pleadings of both the parties. I find that the applicant has reached the maximum of the scale of Rs.5500-9000 on 1.1.1996. He was due for stagnation increment from 1.1.1998, however, the same was sanctioned from 1.12.1998. I also find that all his dues were paid within six months. Since he took voluntary retirement, no interest is payable on retiral benefits including the gratuity.

5. As per the averments made by the applicant in para 4 of his rejoinder that he was paid the PF amount of Rs.7,53,237/- on or about 14.11.1999. According to the applicant the interest on GPF amount for the period from 1.6.1999 to 14.11.1999 has not been paid.

6. In view of the facts stated above, the claim of interest on all the retiral benefits except GPF is rejected. The respondents are directed to consider the claim of the applicant for payment of interest at the prevalent rate of interest for the relevant period on the amount of GPF for the

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aforementioned period, if the same has not already been paid to him.

7. With the aforesaid directions, the OA is partly allowed. No costs.

m/s
(M.P.Singh)
Vice Chairman.

rkv.

पृष्ठांकन सं ओ/न्या....., जलालपुर, दि.....

प्राप्ति दिनांक....., दि.....

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सूचना का उपर्युक्त विवाह विवाह

L.S. Raipuri, Adv.
N.B. Chintanava, Adv.

12/11/03

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