

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 110 of 2002

Jabalpur, this the 6th day of April, 2004

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

Ganpat Lal Raikwar, S/o. late
J. Raikwar, aged about 64 years,
Chief Permanent Way Inspector
(CPWI) Grade-I (Retired), R/o.
C/583, Pushpa Nagar, Bhopal (MP). ... Applicant

(By Advocate - Shri V. Tripathi)

V e r s u s

1. Union of India,
through its Secretary, Ministry
of Railway, Through General Manager,
Central Railway, Mumbai
CST, Mumbai (MS).
2. Divisional Railway Manager,
Central Railway,
Bhopal Division, Bhopal (MP). ... Respondents

(By Advocate - Shri M.N. Banerjee)

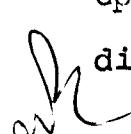
O R D E R (oral)

By filing this Original Application the applicant
has sought the following main reliefs :

"(b) command the respondents to pay interest on
delayed payment of Pension, DCRG and Commutation
value,

(c) command the respondents to rectify the
commutation period of the applicant and treat it
from 1.9.1996 in lieu of April, 1999,"

2. The brief facts of the case are that the applicant
was working in the Railway and retired from service on
attaining the age of superannuation on 31.8.1996. His
retiral dues were paid to him by the respondents in
February, 1999. The contention of the applicant is that
had his retiral dues ^{been} ~~be~~/paid in time by the respondents,
he would have earned interest on the same. The learned
counsel for the applicant has stated that the
applicant was given provisional pension as there was some
discrepancies in the store, where the applicant was

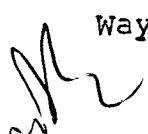


working in the capacity of Permanent Way Inspector. The respondents ought to have withheld the amount of gratuity and not the pension and the commuted value of pension.

3. The learned counsel for the respondents on the other hand stated that delay in settlement of the retiral dues of the applicant is attributable to the applicant. He has drawn our attention to the letters written by them dated 26.8.1996 (Annexure R-1) and 30.07.1997 (Annexure R-3) by which the applicant has been asked to explain the deficiency found in the store. According to him, it was due to the delay on the part of the applicant that the matter relating to deficiency of store was settled in end of 1997 and it was found that the applicant himself is responsible for the loss of Rs. 3,465/-. Finally an amount of Rs. 3,465/- was recovered from the applicant. He has also submitted that the deficiency found in the store was to the tune of more than Rs. 1 Lac and at that point of time it was not known to the respondents about the exact amount to be recovered from the applicant. It was only on 13th July, 1998 (Annexure R-5) the matter was settled and an amount of Rs. 3,465/- was to be recovered from the applicant, which was recovered and also the retiral dues were paid to the applicant. Thus the applicant is not entitled for any interest on the same.

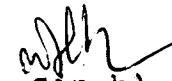
4. Heard the learned counsel for the parties and perused the records carefully.

5. After giving careful consideration to the rival contentions made on behalf of the parties I find that ~~there was~~ deficiency ^{was} found in the stores which was under the charge of the applicant as he was working as Permanent Way Inspector. From the record, I find that the applicant



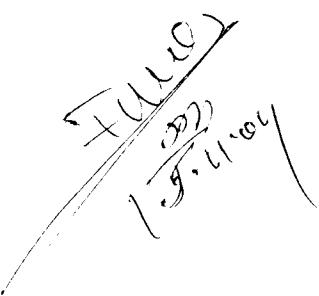
has delayed the settlement of deficiency found in the store and for which the settlement of his retiral dues was also delayed. Thus the applicant is not entitled for any interest on the retiral dues.

6. For the reasons recorded above, the original Application is without any merit and the same is dismissed. No costs.


(M.P. Singh)
Vice Chairman

"SA"

प्रतिनिधि कमिटी.....जवलामुख, फै.....
(1) अधिकारी विभाग, जवलामुख
(2) अधिकारी विभाग, जवलामुख
(3) अधिकारी विभाग, जवलामुख दो अधिकारी S. Paul
अधिकारी विभाग, जवलामुख दो अधिकारी M N Banerjee
अधिकारी विभाग, जवलामुख दो अधिकारी


T. S. Banerjee