

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR**  
**BENCH, JABALPUR**

**CIRCUIT COURT SITTING HELD AT INDORE**

**O.A. NO. 355/2000**

Kishanlal N. Giri, S/o. Nawal Ram Giri,  
Retired Chief Parcel Supervisor, Ratlam, 10,  
Ambedkar Nagar, Near TIT Building,  
Jaora-Road, Ratlam – 457001.

..... **Applicant**

**V e r s u s**

Union of India & Others  
Represented by

1. General Manager,  
Western Railway, Churchgate,  
Mumbai.
2. Divisional Rail Manager,  
Western Railway, Ratlam – 457001.

..... **Respondents**

**Counsel :**

Shri A.N. Bhatt for the applicant.  
Shri Y.I. Mehta, Sr. Adv. assisted with Shri H.Y. Mehta for the  
respondents.

**Coram :**

Hon'ble Shri Justice N.N. Singh – Vice Chairman.  
Hon'ble Shri Govindan S. Tampi – Member (Admnv.).

**ORDER (Oral)**  
**(Passed on this the 19<sup>th</sup> day of February 2003)**

**Shri Govindan S. Tampi :-**

Shri Kishanlal. N. Giri, the applicant is aggrieved by the respondents' delay in settling his retirement dues.

2. Heard Shri A.N. Bhatt, learned counsel for the applicant and Shri Y.I. Mehta, Sr. Adv. alongwith Shri H,Y. Mehta for the respondents.
3. The applicant, working as Chief Parcel Supervisor with the respondents, was charge sheeted for major penalty on 15/05/1996, i.e. 15 days prior to his date of retirement on superannuation. The relevant enquiry proceedings were completed on 08/01/1998. He had been on retirement granted provisional pension but other dues were held back. The applicant was on 22/12/1998 communicated the Governments' displeasure as the charges were not proved. The total amount of Rs. 2,93,382/- were released to the applicant but no interest was paid by the respondents for on the payment delayed from 01/06/1996 to September 1999. He was therefore entitled for the payment of interest on the above delayed payment, is what the applicant pleads. On the other hand it is pointed out by the respondents that one of the allegations indicated in the charge sheet issued against the applicant was found to be substantiated but as the applicant had retired on superannuation the respondents took a lenient view and disposed of the matter by communicating the Governments' displeasure. This was correct and interference was called for according to the respondents.

4. S/Shri Bhatt and Mehta representing the applicant and respondents respectively reiterated the above pleadings.

5. We have carefully considered the rival contentions. The respondents refusal to grant interest on the delayed disbursement on pensionary benefits is under challenge in this OA. The respondents seek to justify their action by stating that Governments' displeasure having been communicated the applicant cannot claim that he was fully exonerated and therefore claim of interest on delayed payment of pensionary dues was not to be upheld. We do not agree with this stand taken by the respondents. Neither CCS(CCA) nor Railway Servants Appeal Rules provide for a penalty described as displeasure. Therefore the communication of a "displeasure" cannot be taken in any way as an imposition of penalty so as to justify the delay in the release of pensionary dues/retiral benefits. This very Bench of the Tribunal had in OA No. 814/1997, filed by Manoharlal Verma passed on 28/09/2000 held that the displeasure was not at all a penalty, to be taken note of for denial of interest on delayed payment of retiral dues. We are also informed that this issue have been disposed of in other Benches of the Tribunal, by holding that displeasure was not a punishment at all and that the same cannot come in the way of payment of retiral dues in the normal course. If, as the respondents say, the one of the charges against the applicant was substantiated, nothing prevented them from taking commensurate penal action instead of seeking shelter behind the procedure of recording displeasure, which amounts to nothing. The applicant in the circumstances, is entitled for payment of interest on the pensionary benefits disbursed to him on a much later date.

6. In the above view of the matter the OA succeeds and is accordingly allowed. The respondents are directed to grant to the

