

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
CIRCUIT AT INDORE**

O.A. NO.419/1998

Indore, this the 11th day of August, 2003

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

HON'BLE SHRI R. K. UPADHYAYA, MEMBER (A)

Vishan Swaroop Sharma S/O Shobharam Sharma,
Retired Station Superintendent/Chandaria.
D/9, Panchvati-Chittorgarh.

... Applicant

(By Shri A. N. Bhatt, Advocate)

-versus-

1. Union of India through
General Manager, Western Railway,
Hq. Office, Churchgate,
Mumbai.

2. Divisional Railway Manager,
Western Railway, Ratlam.

... Respondents

(By Shri Y. I. Mchta, Sr. Advocate with Shri D. S. Patel, Advocate)

ORDER (Oral)

By Shri Shanker Raju, Member (J)

Applicant retired on superannuation on 31.12.1995 as a Station Superintendent. The disciplinary proceedings initiated against him had been dropped on 16.12.1997. In February, 1998, applicant has been paid his retiral benefits.


2. Learned counsel for applicant placing reliance on a decision of the Apex Court in Vijay L. Mehrothra v. State of U.P. & Others, 2002 SCC (L&S) 278 contended that when the delay is not explained and is without justification, delayed payment of terminal benefits attracts 18% interest.

3. On the other hand, learned senior counsel for respondents, Shri Y.I. Mehta appeared along with Shri D.S.Patel relying upon OA No.814/97 (Manoharlal Verma v. Union of India & Others), decided by the Jabalpur Bench of this Tribunal on 28.9.2000, contended that only interest on gratuity is admissible.

4. We have carefully considered the rival contentions of the parties. In view of the binding precedent under Article 141 of the Constitution of India, decision in Vijaya L. Mehrota supra is a binding on us, wherein not only on DCRG but also on commutation and other retiral benefits, on unjustified delay, penal interest has been levied. The decision in Manoharlal Verma (supra) as to give way to the decision of the Apex Court.

5. As there is no valid justification for delay of disbursement of the retiral benefits to the applicant from 1.1.1996 till February, 1998, applicant is entitled for interest on the delayed payments.

6. Accordingly, OA is allowed to the extent that the respondents are directed to pay to the applicant the simple interest at a rate of 6% on the retiral dues w.e.f. 1.1.1996 till February, 1998, i.e., the date of payment of retiral dues within a period of three months from the date of receipt of a copy of this order. No Costs.


(R.K.UPADHYAYA)
MEMBER (A)


(SHANKER RAJU)
MEMBER (J)

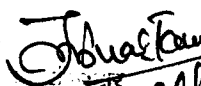
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कृष्णांकन से ओ/व्या.....
प ति ति

(1) 28/8/03

(2) 28/8/03

सूचना के अधिनियम, 2005


28/8/03


Y.I. Mehta, Indore

Issued
on 28.8.03
BS