

CENTRAL ADMINISTRATION TRIBUNAL, JABALPUR BENCH, JABALPUR

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Original Application No. 772/2000

Jabalpur, this the 26<sup>th</sup> day of March, 2004

HON'BLE SHRI M.P.SINGH, VICE CHAIRMAN  
HON'BLE SHRI MADAN MOHAN, MEMBER (J)

Bhagwandas s/o Ramnarayan  
Age 62 years  
R/o Gandhi Chowk Semariya Tehsil  
Hujur Distt. Rewa (MP).

...Applicant

(By Advocate: None)

-versus-

General Manager,  
Central Railway,  
Victoria Terminus Bombay,  
through Divisional Manager,  
Central Railway Division,  
Jabalpur (MP).

...Respondents

(By Advocate: Ku. Anjali Banerjee)

O R D E R

By Shri Madan Mohan, Member (J):

By filing the present O.A. the applicant has sought the following reliefs:

- i) to direct the non-applicant to pay the interest on the amount of Rs. 1,84,575/- since 26.9.1998 to 15.2.2000 at the rate that the Hon'ble Tribunal thinks proper.
- ii) That expenses incurred in representing in Div. office of the non-applicant worth Rs. 20,000/-.
- iii) to direct the respondents to pay the legal expenses incurred in filing the present petition.

2. The brief facts of the case are that the service of the applicant started from 10.1.1959 and ended on 29.2.1996 after attaining the age of superannuation from yard Satna, Regional Office, Central Railway, Jabalpur.

2.1 The arrears of the increased salary as per Fifth Pay Commission to the tune of Rs. 1,84,575/- was not paid to the applicant till the day of despatch of cheque dated 15.5.2000 which was received by him on 22.2.2000. The applicant, therefore, suffered loss of interest on the said amount

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@ 18% p.a. maximum or 12% p.a. minimum commercial rate. Applicant represented the respondents several times in this regard and incurred loss of Rs. 2000/- on boarding and lodging etc. Hence the applicant is entitled to <sup>get</sup> the interest on the delayed payment of Rs. 1,84,575.

3. Since this is an old matter pertaining to the year 2000 and none was present on either side, we proposed to dispose of this O.A. by invoking the provisions of Rule 15 & 16 of CAT (Procedure) Rules, 1987. But later on learned counsel for the respondents Ku. Anajali Banerjee appeared and she was heard.

4. Learned counsel for the respondent argued that the applicant has been paid his all due retirement benefits and arrears of increased salary consequent of Fifth Pay Commission's Report, in time and nothing is outstanding towards the respondents. She further argued that due to revision of pay scale, the arrears of Rs. 1,84,575/- was worked out by the respondent and immediately a cheque dated 26.9.1998 of the said amount was despatched through registered A.D. post at the address given by the applicant but the said letter returned back with the remarks 'Wrong address'. Thereafter the applicant by his application dated 27.7.1999 requested the respondent for correction of his address. Consequent upon correction of address, the applicant after completion of formalities was given/sent a cheque of the said amount of Rs. 1,84,575/- on 15.2.2000 and the same was received by the applicant on 22.2.2000. Hence, the delay in disbursing the said amount cannot be attributed to the respondent. The delay if any has taken place is only because of applicant himself as he had not given his correct address on which the cheque of Rs. 1,84,575/- was sent earlier.

5. After hearing the learned counsel for the respondent and having gone through the records, we find that the respondent had no intention to delay the disbursement of arrears of increased salary to the applicant or to harass him. The delay, if any, caused was only due to the applicant himself as he had

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not given his correct address to the respondent. The respondent, after getting the correct address of the applicant sent the cheque of his dues i.e. Rs 1,84,575/- immediately to the applicant. Hence, we are of the considered view that the delay is not attributable to the respondent and accordingly the applicant is not entitled to any interest on the aforesaid amount.

6. In view of the above, the O.A. has no merit and deserves to be dismissed which is accordingly dismissed. No costs.

(MADAN MOHAN)  
Member (J)

*M.P.SINGH*  
(M.P.SINGH)  
Vice Chairman

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