

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

CIRCUIT COURT AT BILASPUR (CHHATTISGARH)

Original Application No. 91 of 2000

Jabalpur, this the 3rd day of October, 2003

Hon'ble Shri Anand Kumar Bhatt, Administrative Member

D.R. Sahu, S/o. Sri Krishna
Sahu, aged 64 years, Retd.
Goods Supervisor, South Eastern
Railway, Tilda, resident of House
No. 4/431, Balaji Nagar,
Khamtarai Ward, Post : WRS Colony,
Raipur. (M.P.).

... Applicant

(By Advocate - Shri V. Tripathi)

V e r s u s

1. Union of India represented
through the General Manager,
South Eastern Railway, Garden
Reach, Calcutta-43.
2. Divl. Railway Manager,
South Eastern Railway,
Bilaspur-RS (M.P.).
3. Sr. Divl. Personnel Officer,
South Eastern Railway,
Bilaspur-RS. (M.P.).

... Respondents

(By Advocate - Shri M.N. Banerjee)

O R D E R

This Original Application is about payment of interest on delayed payment of retiral dues.

2. The facts of the case in brief are that the applicant retired from the post of Chief Goods Clerk, S.E. Railway, Tilda, on 31.05.1993. At the time of retirement disciplinary proceedings were pending against the applicant. These were decided on 20.01.1994 (Annexure A-1) with the punishment of stoppage of post retirement complimentary passess for two years. The dues were not paid even after the completion of the disciplinary proceedings and therefore the applicant had approached the Tribunal in OA No. 591/1995 in which direction was given by the Tribunal on 12th August, 1997 to decide the

matter regarding payment of the retiral benefits within two months from the date of the order. However the retiral dues have been given as below :

- a) Encashment of leave amounting to Rs. 36,480/-, was paid on 28.05.1998.
- b) D.C.R.G. amounting to Rs. 34,216/-, was paid on 15.01.1999.
- c) The security deposit was not paid on the date of filing of the present OA.

However, the learned counsel for the respondents have informed that the ^{security deposit} has been paid on 23.03.2000. Arrears of pay on restructuring order of promotion from 01.03.1993 to 31.05.1993 amounting to Rs. 1,326/-, as per oral submission by the learned counsel for the respondents has been paid to the applicant on 14.02.1995 and 06.03.1995.

3. The application has been contested.

4. The respondents have stated that there is no delay in payment and as regards the arrears of salary and security deposit, these are new claims in the present petition. However as per his oral submission that has also been paid to the applicant.

5. I have seen the pleadings and heard the counsel on both the sides.

6. Departmental proceedings were decided on 20.01.1994 and therefore all the dues should have been cleared within a reasonable time after that. Due to non-payment the applicant had to come to the Tribunal, where it was ordered that the matter regarding the payment of retiral benefits should be decided within a period of two months from the date of the order i.e. 12.08.1997. The said judgment of the Tribunal does not have any order relating to payment of interest. Therefore

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any interest payable shall be payable only two months after the date of this order i.e. with effect from 12.10.1997. Accordingly, it is ordered that for any dues which have been paid to the applicant after 12.10.1997, he will be paid an interest of 8% per annum. Such payment will be made within three months from the date of receipt of copy of this order.

7. Accordingly, the Original Application is partly allowed.
No costs.

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Administrative Member

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पृष्ठांकन सं ओ/ज्या.....जबलपुर, दि.....
समिति/विधि अवधि निम्न:-

- (1) सर्वोच्च न्यायालय को अपील/अपील
- (2) सर्वोच्च न्यायालय को अपील/अपील
- (3) सर्वोच्च न्यायालय को अपील/अपील
- (4) सर्वोच्च न्यायालय को अपील/अपील

S. Patel, Adl
M. Banerji Adl

Shankar
7-10-93

Forwarded
7/10/93