

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the **12TH** day of **MARCH 2018**.

ORIGINAL APPLICATION NO. 664 OF 2012

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A).

1. Ratan Lal aged about 57 years son of late Shri Genda Lal, Ex-shunter/Loco Shunting Pilot, Diesel Lobby, N.E. Railway, Varanasi, R/o House No. 693, Malukpur, District-Bareilly..
.....Applicant.

VE R S U S

1. Union of India through the General Manager, North Eastern Railway, H.Q.'s Office, Gorakhpur.
2. Divisional Railway manager, N.E. Railway, DRM's Office, Lahartara, Varanasi.
3. Sr. Divisional Personnel Officer, /N.E. Railway, DRM's Office, Lahartara, Varanasi.
4. Sr. Divisional Finance Manager, N.E. Railway, DRM's Office, Lahartara, Varanasi.

.....Respondents

Advocate for the Applicant : Shri Anand Kumar
Shri Sudama Ram

Advocate for the Respondents : Shri Avnish Tripathi

ORDER

Shri Sudama Ram, learned counsel for the applicant and Shri Avnish Tripathi, learned counsel for the respondents are present.

2. The applicant has filed the present O.A. seeking interest @ 18% compound interest on all the delayed payment of pensionary benefits and settlement amount by the respondents which were due since 12.03.2005.

3. The facts leading to the present O.A. are that the applicant had applied for Special Voluntary Retirement scheme either to absorb him in an equivalent grade and post or as a Guard or accept his Special Voluntary Retirement under the scheme as he fulfilled all the requisite conditions and he was not willing to join the post of Senior Clerk in the Grade pay of Rs. 4500-7000 being a lower grade. When the applicant was not paid his pension and other pensionary dues after his deemed voluntary retirement under the rules as after expiry of notice it became absolute, he filed O.A No. 886 of 2005 which was allowed by this Tribunal vide order dated 01.08.2007 with the following direction:-

"12. With the result, the impugned rejection dated 30.06.2005 (A-1) is quashed with a direction to the respondents to accept applicant's Voluntary Retirement under the Scheme of 2004, from due date and settle all dues as per Rules, within a period of three months from the date a certified copy of this order is received by them. No order as to costs."

4. Against the aforesaid order the respondents filed Writ Petition No. 53962 of 2007 before the Hon'ble High Court of Allahabad which dismissed on 22.07.2009 confirming the order of this Tribunal dated 01.08.2007. Review petition no. 62543/2010 filed by the respondents was also dismissed in 24.05.2010. Thereafter, the applicant represented on 09.10.2010 before the respondents for payment of his settlement dues i.e., PF, Pension, Commutation of Pension, DCRG, Leave Encashment, GIS, Ex-gratia, arrears of pension calculating from 11.03.2005 and also pay the interest @ 12 % compound interest as the concerned respondents unnecessarily kept the applicant involved in litigation and did not pay settlement dues in time when his special voluntary retirement became absolute on 11.03.2005 under the Rules. Finally, the respondent paid the settlement amount, however, no interest was paid.

Applicant has claimed the interest on delayed payment treating the due date of payment to be 11.03.2005.

5. Learned counsel for the respondents submitted that all the dues have been paid to the applicant and whatever delay that occurred, was due to completion of judicial remedy, which was sought by the respondents.

6. Heard the counsel for the applicant as well as the respondents.

7. In this O.A. the issue was admittedly under judicial proceedings before this Tribunal and then before Hon'ble High Court which finally dismissed the Writ Petition filed by the respondents vide the order dated 22.07.2009 (Annexure A-4 to the O.A). After disposal of the case by Hon'ble High Court on 22.07.2009, there is no justification for delaying the release of retiral dues by the respondents. Hence, the interest is payable from 22.07.2009.

8. Accordingly, the respondents are directed to pay interest @ 12 % per annum to the applicant on his dues from the date of dismissal of Writ Petition by the Hon'ble High Court i.e., 22.07.2009 till the date of actual payment of the dues to the applicant. This exercise should be completed within two months from the date of receipt of certified copy of this order.

9. With the above direction O.A. is disposed of. No order as to costs.

(GOKUL CHANDRA PATI)
MEMBER-A

Arun..