

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1885/2016

New Delhi this the 28th day of September, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

K.K. Tiwari, aged 64 years,
S/o Sh. CP Tiwari,
Retired Sr. Section Engineer (S&T)
Ferozpur Divison, Northern Railway,
New Delhi
R/o H-68, Patel Nagar-III,
Near HDFC Bank, Ghaziabad (UP) - Applicant

(By Advocate: Mr. Yogesh Sharma)

VERSUS

1. Union of India through
The General Manager,
Northern Railway, Baroda House,
New Delhi
2. The General Manager (P)
Northern Railway, Baroda House,
New Delhi
3. The Divisional Railway Manager,
Northern Railway, Ferozpur Division,
Ferozpur Cantt., (Punjab) - Respondents

(By Advocate: Mr. Shailendra Tiwary)

ORDER (Oral)

The applicant has filed this Original Application (OA),
seeking the following reliefs:-

- “(i) That the Hon'ble Tribunal may graciously be
pleased to pass an order of quashing the

impugned order dated 01.02.2016 (Annex.A/1) declaring to the effect that the same is illegal, arbitrary and against the law of the land.

- (ii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to release the recovered amount of Rs.22710/- from the DCRG of the applicant with interest and also released the arrears of monthly pension with DA and with interest from the due date till payment.
- (iii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to release the GIS payment of the applicant by way of issuing another cheque with interest from the due date till payment.
- (iv) That the Hon'ble Tribunal may graciously be pleased to pass an order declaring to the effect that the whole action of the respondents not granting the interest on the delayed payment on the retirement benefits to the applicant is illegal, arbitrary, against the rules and against the law of the land and consequently pass an order directing the respondents to grant the interest @18% per annum on all the retirement benefits of the applicant w.e.f. 20.9.2007 or at least w.e.f. 12.6.2008 to till the date of payment within the prescribed period.
- (v) Any other relief which the Hon'ble Tribunal deem fit and proper may also be grante to the applicant."

2. When the matter is taken up for hearing, the respondents state that the relief (ii) asking for release of recovered amount of Rs.22,710/- from the DCRG of the applicant is factually incorrect, as the said amount has been recovered from the DCRG after the consent of the applicant having joined the Retired Employees Liberalized

Health Scheme (RELHS) and this payment is for membership of the same. They have already informed him this position on 18.01.2011. On this, the applicant accepts the clarification and reply of the respondents and only requests that he be given the card under RELHS. The respondents are directed to do so within 30 days of receipt of this order.

3. With regard to relief (iii), which is for release of GIS payment, the respondents inform that they have already issued payment for the same in favour of the applicant in 2011. The respondents also inform that no interest is payable on the amount of GIS as per P.S. No.11971/2000. To this, the applicant states that he has not received the same.

4. With regard to the payment of GIS amounts, it is very easy to verify whether the applicant has drawn the same by checking debit against the issued cheques. If it is found on checking that the GIS amount has not been paid to the applicant, then respondents are directed to issue fresh cheque for payment of GIS amounts within a period of 30 days of receipt of copy of this order.

5. With regard to reliefs no. (i) and (iv), both the reliefs are taken up together. As stated by the applicant himself

in his OA and the rejoinder filed by him, it is clear that he has submitted his pension form booklet/claim for payment of retiral dues and the same has been received by the respondents on 07.08.2008. As per CCS (Pension) Rules, 1972, it is clearly provided that completion of pension papers must be initiated and completed as per Rules 60 and 60(1) of the Rules. Accordingly, adequate time has to be given after forwarding of pension paper both to the Head of Office who shall complete the relevant part and subsequently to the Accounts Officer so that pension can be finally processed after taking into account all the relating adjustments and recovery of dues as provided in Rules 71 to 73 of the Pension Rules. As the applicant has been able to show that he had submitted his pension papers on 04.08.2008 which the respondents had received on 07.08.2008, the respondents can be allowed a period of at least six months to process the same. Accordingly, the applicant should at least have been paid his dues by 31.03.2009. In view of this, the respondents are directed to pay interest on the delayed payment of retiral dues at the rate of Provident Fund for the period beyond 31.03.2009 till the date when actual payments were made.

6. It is noticed that the counsel for the respondents had been directed on previous date, i.e., 25.07.2018 to call the departmental representative so that the records could be perused and this matter decided. Today, only departmental representative at the Section Officer Level is present and he has not been able to answer any queries raised, especially with regard to payment of GIS dues as recorded above. In view of lack of assistance from the respondents, a cost of Rs.10,000/- payable to Kerala Chief Minister's Distress Relief Fund is imposed on them and they shall deposit the same within seven days from today.

7. With the above directions, the OA stands dispose of.

(Nita Chowdhury)
Member (A)

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