

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

Original Application No. 332/00306/2015

This the 08th day of March, 2018

Hon'ble Mr. Justice V.C Gupta, Member - I

Bhagauti, aged about 61 years, son of Late Sri Suraj Deen, Resident of Bhoj ka Purva, Mauja- Pachkhara, Unchahar, Raebareilly.

..... Applicant

By Advocate: Sri Praveen Kumar

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.

2. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

3. The Senior Divisional Finance Manager, Northern Railway, Hazratganj, Lucknow.

4. Bank of Baroda, Swaraj nagar, Kathehery Road, Rae-bareilly through Branch Manager.

..... Respondents

By Advocate: Sri Rajendra Singh

ORDER (ORAL)

Delivered by: Hon'ble Mr. Justice V.C Gupta, Member - I

Heard the counsel for the applicant and counsel for the respondents.

2. In this case, the settlement dues of the applicant was said to have been credited on 01.07.2014 through RTGS/NEFT mode. This amount of Rs. 782153/- which alleged to have been credited in the account of the applicant on 01.07.2014 was not actually credited in the account of the applicant but in account of somebody else. However, the respondents after realizing the mistake, again made payment of Rs. 782153/- by cheque to the applicant on 23.05.2016, the receipt of which has been acknowledged by the applicant in Para 12 of the rejoinder affidavit. There is no fault on part of the applicant in getting the amount of retiral dues which includes the amount of commutation of pension of Rs. 240683./-, DCRG amount of Rs.

293510/-, leave encashment of Rs. 239600/- and group insurance of Rs. 8360/-. The applicant retired from service on 10.01.2014 on the basis of VRS.

3. As the amount was admittedly due and payable to the applicant but the same was not credited in his account due to mistake of private respondent as well as of other respondents, but it is a fact that there is no mistake on part of the applicant. The respondents cannot deny the benefit of interest accrued on the amount which is paid with delay.

4. Hence, in view of above, the applicant is allowed simple interest @ 8% p.a from 01.07.2014 till the actual date of payment which shall be recoverable from the respondents jointly or separately. However, if there is mistake on part of the bank, the official respondents have the liberty to recover that amount from the bank which has been paid by the official respondents to the applicant including the amount of interest.

5. With the above observations, the O.A is disposed of. There shall be no order as to costs.

(Justice V.C. Gupta)
Member (J)

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