

(Reserved on 09.01.19)

***CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD***

This the **06th** day of **February, 2019**

Present:

HON'BLE MS. AJANTA DAYALAN, MEMBER-A.
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER-J.

C.C.P NO. 330/00088/2018
IN
O.A NO. 330/926/2015

Suresh Narain Bajpai, aged about 68 years, S/o Late V.N. Bajpai, R/o 18/43, Kurwan behind Bank of Vadodara, The Mal, Kanpur.

.....Applicant.

V E R S U S

Mr. Abhishek Ranjan, Senior Divisional Personnel Officer, North Central Railway, Subedarganj, Allahabad.

..... Opposite Party

Present for the Applicant : Shri A.K. Srivastava
Shri M.K. Srivastava

Present for Opposite Party : Shri P.K. Pandey

ORDER

(Delivered by Hon'ble Ms. Ajanta Dayalan, Member-A)

Present contempt petition has been filed by the applicant feeling aggrieved about the non-compliance of the order dated 12.01.2018 of this Tribunal passed in OA no. 926/2015 directing the respondents 'to pay interest at the rate applicable to S.R.P.F. deposits beyond 3 months from the date of retirement till the actual payment is made.

2. The case of the applicant is that despite clear orders of this Tribunal dated 12.01.2018, the compliance has not been made by the respondents' department. Learned counsel for the applicant pleads that the applicant was to be paid interest on his gratuity amount at the rates applicable as per the instructions of the department in the matter, but he has been paid interest only at varying rates for each year notified by the department for S.R.P.F. deposits and not rates available to the employees of the respondents' department as per the railways own instructions. He also quotes letter dated 06.11.2008 of the railway department whereby interest at the rates applicable to S.R.P.F. deposits is to be compounded annually. He states that this principle has also not been followed while calculating interest in respect of the applicant.

3. Learned counsel for the applicant further states that the railway employees are allowed interest at the rate of 12% for delayed payment of DCRG beyond three months from the date of retirement, which benefit has been denied to the applicant. He therefore, concludes that compliance affidavit filed by the respondents department on 20.08.2018 is not true and does not indicate correct position as the order of this Tribunal has not yet been substantially complied with.

4. Learned counsel for the respondents states that the order of this Tribunal dated 12.01.2018 has been fully complied with

and compliance affidavit to this effect has been filed by him. Learned counsel for the respondents further pleads that the order of this Tribunal clearly states that the applicant is to be paid 'interest at the rate applicable to S.R.P.F. deposits beyond 3 months from the date of retirement till the actual payment is made'. Learned counsel for the respondents further states that the applicant retired on 31.10.2009 and hence, interest has been calculated w.e.f. 01.02.2010. He further states that for every year, there are different notified rates applicable on S.R.P.F. deposits. The counsel for the respondents added that order in connection with the rates applicable for each year from 2010 to 2017 have been enclosed with the compliance affidavit at Annexure -1 to the compliance affidavit and interest has been calculated based on these rates. Accordingly, total amount worked-out to Rs. 3,15,765/- which has been deposited in the account of the applicant. He, therefore, concluded that the order has been complied with and there is no deliberate disobedience of the order of the Tribunal, as alleged by the applicant.

5. We have gone through the order dated 12.01.2018 and we find that the order of this Tribunal is very categorical and clear. It only directs payment of interest at the rates applicable to SRPF deposits beyond three months from the date of retirement. That interest has been paid beyond three months from the date of retirement is born out by the calculation given in para 7 of the compliance affidavit. We find that the applicant retired in

October 2009 and the interest has been calculated from 01.02.2010. Further, the Tribunal's order that interest has to be paid at the rates applicable on S.R.P.F. deposits has also been complied with by the respondents' department as the rates applicable for different years have been applied and interest at these rates has been paid to the applicant.

6. As regards the applicant's plea that he has been denied 12% interest, we find that the order of the Tribunal does not state payment of interest at the rate of 12% interest but categorically states payment for interest at the rates applicable to the SRPF deposits. Hence, 12% rate of interest will not be applicable for the applicant in terms of the Tribunal's order. The applicant's stand is that he is entitled to 12% rate of interest as this rate is being granted to the railway employees as per the Railway Boards own instructions. We note that the Tribunal has already considered the arguments forwarded by the learned counsel for the applicant and has decided on his entitlement as per orders quoted. We also note that this is a contempt petition and as such we are not determining the entitlement of the applicant but we are only seeing that the order dated 12.01.2018 has been complied with or not. This order clearly states rate of interest applicable to SRPF deposits and hence, we do not find any fault in this regard by the respondents' department. Similarly, the order of this Tribunal did not state that the interest is to compounded annually and as such

instruction dated 06.11.2008 is not relevant at least so far as this contempt petition is concerned.

7. In view of the above, we are of the opinion that compliance of the order dated 12.01.2018 has been made by the respondents' department. Accordingly, contempt petition is dismissed and the notice issued to the opposite party is discharged.

(Rakesh Sagar Jain)
Member (J)

(Ajanta Dayalan)
Member (A)

Anand...