

**Central Administrative Tribunal
Ernakulam Bench**

OA No.180/00266/2018

Tuesday, this the 11th day of December, 2018

C O R A M

Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member

P. Rajagopalan, aged 60 years
S/o K.G.Padmanabha Menon
(Retd. Chief Commercial Inspector/
Southern Railway/Palakkad Division)
Permanent address: "Sreemurugalayam",
Kadavath House, Kadavath Road
North Parur, Ernakulam District-683 513.

Applicant

[Advocate: Mr.T.C.Govindaswamy rep by Mr.Namdev Prabhu]

versus

1. Union of India represented by the
General Manager, Southern Railway
Headquarters' Office, Park Town P.O.
Chennai-600 003.
2. The Divisional Railway Manager
Southern Railway, Palakkad Division
Palakkad-678 002.
3. The Sr. Divisional Personnel Officer
Southern Railway, Palghat Division
Palghat-678 002.

Respondents

[Advocate: Mr.P.R.Sreejith, ACGSC rep by Mr.Sajeesh]

This OA having been heard on 5th December, 2018, the Tribunal delivered the following order on 11th December, 2018:

O R D E R

By Ashish Kalia, Judicial Member

The applicant is a retired Chief Commercial Inspector in PB2+ Grade Pay of Rs.4600 of Palakkad Division of Southern Railway. He superannuated from service on 31.5.2016. The applicant was not given the retirement benefits as due

and he had to approach this Tribunal by filing OA 539/2016. This Tribunal's order which was in favour of the applicant was challenged by the respondents before the Hon'ble High Court by filing OP(CAT) No.148/2017, which is still pending. The applicant submits that in terms of Rule 1643 (D) of the Indian Railway Establishment Code Vol. II, he is entitled to receive Compensatory Transfer Grant and Packing Allowance consequent upon his superannuation, as if it was a case of transfer. The applicant shifted his family to the address at North Paarur in Ernakulam District. Thereupon the applicant made a claim for grant of the Composite Transfer Grant duly fulfilling all the requisite formalities. Repeated representations did not evoke any response, the last representation being Annexure A4 dated 18.7.2017. This was followed by Annexure A5 & A6 representations. The applicant also caused a lawyer notice to be served on the 3rd respondent. Finding no response, the applicant has chosen to approach this Tribunal with the present OA.

2. Notices were issued to the respondents. The respondents have filed a reply statement and submitted therein that the applicant while working in Railway Service as Chief Commercial Inspector was compulsorily retired, upon conviction by CBI Court, Coimbatore in a corruption case CC No.11/2003 vide judgment dated 31.5.2004. The applicant was reinstated in service as the Hon'ble High Court of Madras had set aside his conviction through judgment dated 22.8.2011 in Criminal Appeal No.760/2004. The applicant superannuated on 31.5.2016. It is further submitted that the Railway Board vide RBE 117/2017 dated 31-8/01-09/2017 had issued clarification regarding payment of Composite Transfer Grant (Annexure R1), sub para (iii) of which is extracted below:

“In the case of retirement, if a railway servant has retired prior to 01-07-2017, he will be eligible for CTG at pre-revised scale of pay. If the personal effects have been shifted after 01-07-2017, revised rates for transportation of personal effects will be admissible”.

The applicant superannuated on 31.5.2016 and had shifted his personal effects on 4.5.2016 as per Annexure R2. As such, the applicant is eligible for Composite Transfer Grant (CTG) only in the pre-revised scale of pay in 6th Pay Commission pay scale. It is further stated that Rs.21,270/- towards Composite Transfer Grant to the applicant was claimed as per bill No.06051800443 which was passed by Associated Accounts on 4.5.2018 and arranged to be paid to him through his bank account. Due to an inadvertent error, the amount of Rs.21270/- was paid to the applicant without taking into account the revision of pay as per Memorandum dated 4.4.2017. In terms of the Memorandum dated 4.4.2017, the applicant's pre-revised pay in 6th CPC was re-fixed to Rs.26,970/- (Pay Rs.22370 & Grade Pay Rs.4600). Hence an additional amount of Rs.5700 was also claimed towards CTG as per Supplementary Bill No.06051800766 dated 5.7.2018, which was arranged to be credited to his Bank Account. It is further submitted that the delay in payment of the Composite Transfer Grant was neither intentional nor due to any sense of apathy and vengeance towards the applicant. The delay was due to the pending court cases. Based on pay in the 7th CPC, the applicant is not eligible for the grant of Rs.70,000 towards CTG. The applicant is eligible for an amount equivalent to the basic pay in the pre-revised scales in 6th CPC in terms of Annexure R1 order. The respondents have prayed for dismissal of the OA.

3. Heard learned counsel for the parties at length. The grievance of the applicant is one of delay in payment of CTG for which he claims interest at 9%

per annum. In reply to the written statement filed by the respondents, no rejoinder is seen filed. The applicant has received the money in the month of May, 2018 and Rs.5700/- was received by the applicant in July, 2018. The delay occurred because of pendency of litigation from District Court to High Court. We are of the view that the applicant's claim has duly been granted by the respondents. On culmination of these proceedings, the applicant was thereafter immediately granted CTG payment. We cannot find fault with the respondents except that there is a calculation error, which has also been rectified by the respondents immediately. In the facts and circumstances of the case, we find no merits in the OA for grant of interest on the delayed payment. The OA is liable to be dismissed. Accordingly, the OA is dismissed. No order as to costs.

(Ashish Kalia)
Judicial Member

(E.K.Bharat Bhushan)
Administrative Member

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Annexures produced on behalf of the applicant:

- Annexure A1: Copy of Office Order bearing No.J/C.30/13 dated 10.9.2013 issued by the 3rd respondent.
- Annexure A2: Copy of OA No.539/2016 dated 29th June 2016 (less its annexures) filed before this Tribunal.
- Annexure A3: Copy of order dated 2.12.2016 in OA No.539/2016 rendered by this Tribunal.
- Annexure A4: Copy of representation dated 14/18.7.2017 addressed to the 3rd respondent.
- Annexure A5: Copy of representation dated 14.9.2017 addressed to the 3rd respondent.
- Annexure A6: Copy of representation dated 11.10.2017 addressed to the 3rd respondent.
- Annexure A7: Copy of Lawyer Notice dated 17 Nov. 2017 addressed to the 3rd respondent.
- Annexure A8: Copy of postal acknowledgement card.

Annexures filed by respondents:

- Annexure R1: Copy of the RBE 117/2017 No.F(E)1/2017/AL-28/41 dated 31-08/01-09/2017.
- Annexure R2: Copy of the application dated 5.5.2016.
- Annexure R3: Copy of the Memorandum dated 4.4.2017.
- Annexure R4: Copy of page No.10 and 11 of the service register with relevant entries signifying payment.