

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/1373/2015

**Reserved on: 19.12.2018
Order pronounced on: 20.12.2018**

Between:

K. Kaladhar, S/o. K. Vishwanatham,
Aged about 60 years,
Occ: Retd. Chief Booking Supervisor,
Resident of Flat No. 403, Mourya Apartments,
Royal Nagar, Tirupathi.

...Applicant

And

1. The Union of India, Rep. by the General Manager,
Rail Nilayam, III Floor,
S.C. Railway, Secunderabad-500071.
2. The Chief Personnel Officer and ex-officio Chairman,
Pension Adalat, South Central Railway, Rail Nilayam,
Secunderabad.
3. The Financial Advisor and Chief Accounts Officer,
South Central Railway, Secunderabad.
4. The Divisional Railway Manager,
South Central Railway, Guntakal Division,
Guntakal, Anantapur District (A.P.).
5. The Senior Divisional Commercial Manager,
Guntakal Division, Guntakal, Anantapur District (A.P.).

...Respondents

Counsel for the Applicant	...	Mrs. S. Anuradha
Counsel for the Respondents	...	Mrs.A.P. Lakshmi, SC for Rlys

CORAM:

<i>Hon'ble Mr. B.V. Sudhakar</i>	...	<i>Member (Admn.)</i>
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ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The OA is filed challenging the delayed payment of settlement dues causing the loss of interest of Rs.53,329/- along with a sum of Rs.5685/- which was ordered to be withheld.

3. Brief facts of the case are that the applicant while working for the respondents organisation has gone on deputation to the Mazdoor union of the railways and thereafter retired on 30.11.2014. The settlement dues to the applicant were paid on different dates instead of paying on the date of retirement. Therefore the applicant claims interest on the delayed payments. Besides, a sum of Rs.5685/- was withheld for using duty card pass for reservation but not cancelling the reservation when the travel was not intended to be made. The applicant is aggrieved that since he has been exposing the corrupt practices of the senior officers disciplinary proceedings were contemplated against him on grounds of not cancelling the reservations made using card pass when the travel was not intended to be made. The disciplinary case was dropped as there was no Presidential consent for the same. In the process, payment of settlement dues was delayed and the applicant claimed interest on the same vide lr dated 2.4.2015 but there being no response, the OA has been filed.

4. The main contentions of the applicant are that there is delay in payment of settlement dues and hence interest has to be paid by the respondents for the delay. The issue of disciplinary proceedings and subsequent dropping of the same by the respondents took some time and that the respondents are responsible for the same. The respondents are bound to pay terminal benefits in time.

5. Respondents state that a pseudonymous complaint against the applicant in the name of Mr K. Nageswara Reddy alleging misuse of card pass was received by the respondents. The respondents verified and found that the applicant has made reservations on consecutive days or for more than one

train on the same day using the duty card pass. Performance of journey would be possible on only one such reservation. The applicant should have cancelled the reservation in trains he did not intend to travel. By not doing so, applicant caused loss to the railways. A charge sheet for major penalty dt 28.11.2014 was issued but since it was not served before retirement it became infructuous. The process of issuing and withdrawing has taken some time and as a result it took some time to pay the settlement dues. The applicant claiming interest on the same is unjustified and hence the OA is to be dismissed. The respondents also claim that the allegations made against senior officer are baseless.

6. Heard the learned counsel and went through the documents submitted.

7. The applicant retired when he was on deputation to the Mazdoor union. Therefore he should have filed appeal to the Honourable President, competent authority for redressal of his grievance which he did not thereby Section 20 of the Administrative Tribunals Act 1985 has not been adhered to. That is enough to dismiss the OA. However, going into the merits of the case, respondents have issued a charge sheet for making multiple reservations and not cancelling the same when he did not intend to travel. This does cause loss to a public institution like the railways. Had the reservations been cancelled they could have been allotted to other passengers. It is common knowledge that railways transport millions of passengers daily and many passengers drop their travel plan for want of reservation. Such being the situation, the applicant being a responsible office bearer of a recognized union, which not only works for the betterment of the staff but also in improving the image and productivity of the respondents organisation, should have cancelled the reservations. The applicant should indeed have set an example for others to

follow. That, sadly, was not the case. Further, the railway guidelines communicated vide Railway Board letter 94/TG-I/20/14 dt 28.8.2009 in regard to the issue in question have not been followed. It is also not out of place to mention that the applicant is a Government servant and he does come under the purview of the D& A rules. Railway Board circular 176/90 confirms the same. Therefore the applicant cannot claim that he is immune to D&A rules and that the concurrence of the trade union is to be taken. Both are wrong presumptions. In fact, the applicant should consider himself lucky that the charge sheet was served on him after the retirement. If served in time there would have been further procrastination in the matter and the outcome unpredictable either way. Besides, as per Gratuity Act interest is liable to be paid if payment is delayed beyond 3 months. In this regard there was a delay of 2 to 3 days after lapse of three months period. In regard to other payments, but for the action of the applicant in making reservations and not cancelling them which led to initiation of disciplinary action, the applicant would have got the settlement dues in time like others. It is only the making of the applicant and not that of the respondents. Therefore we do not find any malafide intention on part of the respondents in the delay caused for payment of settlement dues. Hence on grounds stated, the OA is devoid of merit. Therefore it is dismissed with no order to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 20th day of December, 2018

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