

**Central Administrative Tribunal
Principal Bench**

OA No. 3990/2018

New Delhi this the 12th day of September, 2019

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

Shri NK Agarwal, Aged 69 years,
S/o late Sh. RP Agarwal,
Ex. Senior Section Engineer (DSI)
Northern Railway, Diesel Shed Tughlakabad,
R/o FA-218 Lajpat Nagar, Sahibabad,
Ghaziabad - Applicant

(None)

VERSUS

Union of India: Through

1. Secretary,
Railway Board,
Ministry of Railways,
Railway Bhawan, New Delhi
2. General Manager,
Northern Railway,
Headquarters Office,
Baroda House, New Delhi
3. Chief Motive Power Engineer (Diesel)
Northern Railway,
Headquarters,
Baroda House, New Delhi
4. Divisional Railway Manager,
Northern Railway,
State Entry Road, New Delhi - Respondents

(By Advocates: Mr. Satpal Singh and Mr. Shailendra Tiwary)

ORDER (Oral)

The applicant has filed the present OA seeking the following reliefs:-

“8.1 That this Hon’ble Tribunal may be graciously pleased to allow this OA and direct the respondents to pay interest on the delayed payment of retiral benefits as indicated below:-

- (i) Interest @10% per annum is due to the applicant in the following delayed payment:
 - (a) Provident Fund: Rs.2,57,884.00 paid on 23.05.2012 which was due on 30.04.2009.
 - (b) Leave encashment: Rs.54,774.00 paid on 11.10.2013, which was due on 23.04.2007.
 - (c) Insurance Amount: Rs.29,342.00 paid on 11.10.2013 which was due on 23.4.2007.
 - (d) DCRG: Rs.4,69,176.00 paid on 11.10.2013 which was due on 23.4.2007 (the said amount had been calculated by the respondents on 23.04.2007 when the applicant was wrongly retired compulsorily.
 - (e) Commutation: Rs.5,35,100.00 paid on 11.10.2013, although it was due on 30.04.2009, but the calculation made was from 23.04.2007.
 - (f) Salary w.e.f. 23.4.2007 to 30.4.2009 – Rs.4,85,429.00 paid on 31.10.2010, although this amount was due on 30.4.2009.

(g) Pension amount: Rs.9.10,472.00 paid on 31.1.2014, although this amount ought to have been paid on 30.4.2009.

8.2 That this Hon'ble Tribunal may be further pleased to direct the respondents to pay further interest as per schedule followed by the Rules.

8.3 That this Hon'ble Tribunal may also be pleased to grant any other or further relief which this Hon'ble Tribunal may deem fit and proper in view of the facts and circumstances of the case.

8.4 That the costs of these proceedings may kindly be granted in favour of applicant and against the Respondents."

2. Nobody appears for the applicant even in the revised call. On previous dates also, i.e. 08.05.2019, 05.09.2019 and 04.09.2019, only proxy counsel had appeared for the applicant and sought accommodation. Even on the previous date, i.e., 04.09.2019, it was also made clear that no further opportunity would be given to the applicant to argue the case. Hence, in view of the constant non-prosecution of the matter by the applicant, the OA is dismissed in default and for lack of prosecution. No costs.

(Nita Chowdhury)
Member (A)

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