

No.O.A.350/00554/2015

Date of order : 29.1.2016

Present : Hon'ble Mrs. Urmita Dutta Sen, Judicial Member

SUBRATA DUTTA

VS.

UNION OF INDIA & ORS.
(S.E. RLY.)

For the applicant : Mr. S.K. Bhowmik, counsel

For the respondents : Mr. M.K. Bandyopadhyay, counsel

ORDER

The instant application has been filed praying for a direction to the respondents to pay interest as admissible under the rule as per Memo dated 15.04.1991 and CPO/GRC Estt. Srl. No.101/91.

2. As per the applicant, he was working as Chief Health Inspector Gr.II in Medical Department, Shalimar. He sought for voluntary retirement from service on health ground vide representation dated 05.07.2012, which was accepted and he was allowed to retire w.e.f. 01.10.2012. According to the applicant, he is entitled to get all retirement dues within 6 months after the date of his retirement and vide PPO dated 26.07.2013(Annexure A-2), Provident Fund and GIS were directed to be disbursed, but no DCRG was paid to him though as per the Railway Board's letter dated 15.05.1991 issued under CPO, GRC Establishment Srl. No.101/91 dated 17.05.1991(Annexure A-1), retirement benefits have to be paid within six months in case of superannuation. The applicant made a representation on 9th January, 2014 to the Senior Divisional Finance Manager (Pension), South Eastern Railway, Kharagpur(Annexure A-3) regarding inordinate delay in payment of DCRG and payment of interest. Thereafter, he was paid an amount of Rs.8,23,588 through State Bank of India on 15.02.2014(Annexure A-4). Therefore, as per the applicant, he received the DCRG amount after expiry of six months i.e. ten months and fourteen days after the date of his retirement, therefore, he is entitled to get interest for such delayed payment of DCRG. Hence, he has filed the instant application.

2. The respondents have filed their written statement, wherein they have accepted the factual position for payment of retirement dues including the DCRG. As per the respondents, the DCRG being one of the settlement dues, requires debit clearance (BN-135) for finalization of

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payment and some time was consumed to get the debit clearance due to the untimely voluntary retirement of the applicant and when the procedure was completed, he was paid his DCRG on 15.02.2014.

3. The applicant has filed rejoinder wherein he submitted that as per rules, he has applied for voluntary retirement after giving 90 days' prior notice and that was accepted w.e.f. 01.10.2012 and as per Estt. Srl. No.101/91, in case of voluntary retirement also the respondents have to make payment of DCRG within six months from the date of retirement, but due to the delay and laches on the part of the respondents, he could not be given DCRG within the due time, therefore, he is entitled to get interest.

4. I have heard both sides and perused the materials available on record.

5. The main issue involved in this case is whether the applicant is entitled to get interest for delayed payment as per the rule of the respondents or not. It is noted that the respondents vide their Estt. Srl. No.101/91 made specific provisions for payment of interest on account of delayed payment of retirement/death gratuity wherein in Para 2(ii) stipulated as follows:-

"On Retirement other than on Superannuation.

Such cases of retirement will be either under Rule 1802(a)-RII or Paras 312,601, 608 and 620 of Manual of Railway Pension Rules and retirements under the Scheme of voluntary retirement of 1977. In such cases the pension sanctioning authority does not get adequate time for processing pension papers as is available to it in the case of retirement on superannuation. Instructions have also been issued from time to time that the service record of staff should be kept upto date and that the Personal Inspector who ensure that entires in service record are not allowed by Government more than one month beyond the current position. Instructions also exist that the service record book should be shown every year to the employee who is governed by Pension Rules and the Signatures obtained in token of having perused the entires in the service records with a particular reference to qualifying service. Instructions also exist to keep the leave record of the staff upto date It is, therefore, expected that even in cases of retirement other than on superannuation, it should not take unduly long time for all Heads of Offices to prepare pension papers of retiring employees. It has been, therefore, decided that where the payment of gratuity in such cases is delayed beyond six months from the date of retirement, interest should be paid for the period of delay beyond six months from the date of retirement."

On a perusal of the above, it is abundantly clear that the Railway is having their own rules regarding payment of DCRG in case of any kind of retirement other than on superannuation and admittedly the applicant retired from service voluntarily. Since he retired w.e.f. 01.10.2012 and the DCRG was paid to him on 15.02.2014, as per the rules of the respondents themselves, the applicant is entitled to get interest for delayed payment of DCRG beyond the period of six months from the date of retirement till the date of actual payment.

6. In view of the above, I direct the respondent No.2 to make payment of interest at the rate of 8% per annum to the applicant on the amount of his DCRG beyond six months from the date

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of retirement to the actual date of payment, within a period of four weeks from the date of receipt of a copy of this order.

7. The O.A. is accordingly allowed with no order as to cost.

(Urmita Dutta Sen)
Judicial Member

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