

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA



OA. 350/01491/2015

Date of Order: 16.03.2016

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

Amarendra Nath Ghosh

Vs.

E. Rly.

For the Applicant : Mr. BC Deb, Counsel

For the Respondents : Ms. SD Chandra, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:-

This matter is taken up in Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both the parties.

2. Heard both.

3. Learned counsel for respondents submits at the bar that the amount of Rs. 30,000/- has been withheld from the DCRG at the time of retirement on the basis of the decision taken by E. Rly for recovery of commercial debits, if any, in case of several railway employees. Therefore the amount of Rs. 30,000/- has been withheld when the employee retired on 31.08.2012 and admittedly 4 years has gone but the respondents could not finalize the matter whether in fact any debit had to be raised in regard to the applicant and therefore they have withheld amount of Rs. 30,000/- for more than 4 years without any justified reason.

4. Learned counsel for applicant submits that no claim certificate has been furnished after the retirement of the applicant. Therefore, in view of the fact that without any justification the respondents withheld the said amount, they should release the amount with interest.

Here I seek to be guided by the following decisions:

(i) **S. K. Dua vs. State of Haryana & Anr.** reported in 2008(3) SLJ 108, where the Hon'ble Apex Court allowed the interest on delayed payment of retiral benefits released after the delay of 4 years.

(ii) The Hon'ble High Court of Gujarat in the case of **Suresh O Shah vs. State of Gujarat** in Special Civil Application No. 220/2003 rendered on 03.02.2005 in the following order:

in a case where delay was made without any explanation it was held that "it would always be open to the Court to grant interest on the delayed payment of the retiral dues."

(iii) **Bhailal Mahijibhai Patel vs. Union of India & Ors**, reported in 2014(2) SLJ 22 CAT, wherein it was held that delayed payment of retiral/terminal benefits is liable to be shackled with payment of interest till such payments were made.

(iv) In OA. 2832/2012 in the case of **Aswini Kumar vs. Union of India & Ors**, rendered by Principal Bench on 11.02.2015 wherein interest was allowed on arrears of pension, gratuity and leave encashment.

5. Therefore, the respondents are directed to refund the principle amount to the applicant with interest @8% from the due date till the date of actual payment, within a period of 3 months from the date of receipt of a copy of this order.

6. OA is accordingly disposed of. No costs.

(Bidisha Banerjee)  
Member (J)