

(C5)

Central Administrative Tribunal
Principal Bench

O.A. No.1022/2003

New Delhi this the 12th day of November, 2003

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

Shri Jage Ram
S/o Shri Chandu Ram
R/o House No. 9/1046,
New Post Office Street
Gandhi Nagar, Delhi-110031.

-Applicant

(By Advocate: Shri S.K. Sawhney)

Versus

1. Union of India
through
General Manager
Northern Railway
Baroda House
New Delhi.
2. Divisional Railway Manager
Northern Railway
D.R.M. Office
Chelmsford Road
New Delhi.

-Respondents

(By Advocate: Shri D.S. Jagotra)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

This application has been made against act of respondents in not paying interest on the delayed payment of the withheld amount of Rs.40,000/- deducted from DCRG on his voluntary retirement effective from 3.6.2000. This amount was paid on 15.1.2003 vide Annexure A-3 dated 15.1.2003.. Learned counsel drew my attention to Annexure A-2 dated 9.1.2001 whereby a sum of Rs.40,000/- was withheld from applicant's DCRG and the balance amount of Rs.1,30,775/- was ordered to be paid. Learned counsel further drew my attention to *Rule 15, Sub-Rule-(4)(iv)(b) of the Railway Services (Pension) Rules, 1993, hereinafter called Pension Manual* stating that claims against the Government servant "should be assessed and adjusted within a period of three months from the date of retirement of the railway servant concerned".

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2. On the other hand, learned counsel of respondents stated that this Rule relates to normal retirement and not voluntary retirement. He stated that the applicant had submitted the relevant papers for release of DCRG amount on 2.10..2000. As such, respondents were within their rights to with-hold the aforesaid amount of Rs.40,000/- from his DCRG till 15..1.2003 when this amount was paid to him.

3. I have considered the rival contentions. Learned counsel of respondents has not been able to show any rules against the rules relied upon on behalf of the applicant which should entitle the respondents for with-holding the part of DCRG for such a long time. Even if the applicant submitted the relevant papers relating to release of with-held DCRG on 2..10..2000, no justification has come-forth from the respondents for with-holding payment of an amount of Rs.40,000/- which were with-held from applicant's DCRG for such a long time.

4. In my view, this amount must have been paid to the applicant within a reasonable period, on submission of the relevant documents. These documents were submitted by the applicant on 2.10.2000. Three months period is considered to be reasonable by which the respondents must have paid the with-held amount. Ultimately, respondents ~~came~~ to the conclusion that no dues were outstanding against the applicant.

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5. In the light of the above discussion, the applicant is held to be entitled to interest @ 10% on the with-held amount of Rs.40,000/- w.e.f. 2.1.2001 to 15.1.2003. This amount be paid by the respondents within a period of two months from the date of communication of these orders. No costs.

V.K.Majotra

(V.K. Majotra)
Vice-Chairman (A)

cc.