

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1240 of 2014

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1. The Union of India through the General Manager, East Central Railway, Hajipur, District - Vaishali (Bihar)
 2. The Chief Administrative Officer (Construction) East Central Railway Mahendru Ghat, Patna
 3. The Financial Advisor and Chief Accounts Officer, East Central Railway, Mahendru Ghat, Patna
 4. The Deputy Chief Engineer (Construction) East Central Railway, Samastipur
 5. The Divisional Railway Manager (Personnel) East Central Railway Samastipur

.... Petitioners

Versus

Mohan Rajak, Son of Late Jamuna Rajak, Ex-Senior Section Engineer (Permanent Way) Construction Under Deputy Chief Engineer (Construction) East Central Railway, Samastipur, Resident of Village - Dan Nagar, P.O. Khagaria, District - Khagaria (Bihar)

.... Respondent

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Appearance :

For the Petitioners : Mr. Shabbir Ahmad, Advocate.

For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 30-10-2015

Heard learned counsel for the Union of India, Ministry of Railway.

2. In this writ petition order dated 11.09.2012 passed by Central Administrative Tribunal, Patna Bench in O.A. No. 464 of 2011 (Annexure-1) has been questioned as thereunder Tribunal has directed the Railway Administration to pay interest at the rate of 9 per cent on the delayed



payment of retiral dues which was withheld. For similar relief sole respondent had earlier filed O.A. No. 526 of 2008 praying, inter alia, to release the amount of DCRG, Leave Encashment, Bonus for the years 2006-07, 2007-08 and Transfer Composite Grant along with interest at the rate of 20 per cent per annum. Tribunal allowed the payment of aforesaid admitted dues to the applicant with interest at the rate of 9 per cent per annum with effect from the date the dues became payable to the applicant with further direction to pay the dues within three months. Aforesaid direction was not complied and a contempt petition bearing C.C.P.A. No. 62 of 2010 was filed in which notice was issued but after considering the cause shown the proceedings were dropped and in the present O.A. direction has been made to pay the aforesaid arrears of retiral dues with interest at the rate of 9 per cent per annum reiterating the earlier finding recorded in O.A. No. 526 of 2008, which is challenged by the Railways on the ground that cause shown in the C.C.P.A. having been accepted there is no justification for directing the Railways to pay interest as payment of interest is not permissible in

terms of the rules. The rules of the Railway does not even permit the authorities to retain the retiral dues of an employee beyond one month and appreciating such fact the Tribunal in the C.C.P.A. instead of punishing the Railway authority directed them to pay interest at the rate of 9 per cent.

3. We see no reason to interfere with the aforesaid direction. The writ petition is dismissed.

(V.N. Sinha, J)

(Aditya Kumar Trivedi, J)

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