



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2758 OF 2018

Union of India, Thr. General Manager, South Eastern Railway, Calcutta/South East Central
Railway Bilaspur

-vs-

Shri Chaitanya Koche, (Dead) Thr. LR Baru Bai Koche, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri C. J. Dhumane, Advocate for petitioner.

Shri Yash Kullarwar, Advocate h/f Shri M. Anilkumar, Advocate for respondent
No.2.

CORAM : NTIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : November 28, 2024

P. C.

1. Heard.

2. The order passed by the Central Administrative Tribunal (CAT) delivered in O. A. No.2220/2012 directing to pay interest at the rate of 12% per annum from 23/07/1998 till the date of payment to respondent No.1 is the subject matter of challenge in this writ petition.

3. Shri C. J. Dhumane, counsel for the petitioner-Union of India has urged that there was no default on the part of the petitioner-employer to pay terminal benefits as the entire amount was deposited by it with the State Bank of India and it is the State Bank of India which has defaulted in paying the amount. According to him though the petitioner has approached this Court belatedly, this Court is required to be sensitive of the order dated 23/01/2014 passed in Contempt

Proceedings and the order of Division Bench delivered in Writ Petition No. 3418/2013 (*State Bank of India vs. Chaityaram Koche and ors.*) questioning the very same order of CAT which was decided on 21/03/2017.

4. According to Shri Dhumane, learned counsel for the petitioner-Union of India, limitation in such an eventuality ought to have considered not from the date of order of CAT but from the date of order delivered by this Court in Writ Petition No.3418/2013 on 21/03/2017.

5. Counsel for the respondents sought dismissal of the petition.

6. We have appreciated the rival claims.

7. The fact remains that the Central Administrative Tribunal vide order impugned dated 03/05/2013 has issued directions for payment of terminal benefits. The respondent No.1 got superannuated on 29/02/1996 and he was not paid his terminal dues within reasonable period. As a sequel of above, the CAT has awarded interest at the rate of 12% on the delayed payment from 23/07/1998 till its payment.

8. the fact remains that employer-employee relation between the petitioner and respondent No.1 is not a bone of contention before this Court. The issue as regards release of amount of terminal benefits is also adjudicated by the Tribunal based on the rival claims and has recorded a finding that respondent No.1 is entitled for interest on delayed terminal benefits.

9. As regards the claim put forth by the counsel for the petitioner that the petitioner cannot be held to be responsible for delayed payment, such issue was open for the petitioner to canvass in Writ Petition No.3418/2013 which was preferred by the State Bank of India in which the petitioner was impleaded as respondent No.2. The petitioner has not chosen to question the said order dated 21/03/2017 delivered in Writ Petition No.3418/2013 and as such that order has attained finality against the petitioner.

10. In this backdrop, it cannot be said that the petitioner is not liable to pay interest as has been ordered by the CAT as the order passed in Writ Petition No.3418/2013 has already attained finality against the petitioner.

11. Apart from above, there is an inordinate delay of five years in questioning the order of Tribunal. The claim that limitation has to be counted from 21/03/2017, the date on which this Court has decided Writ Petition cannot be accepted as it was open for the petitioner to question the order of Tribunal by preferring an independent petition which it has failed to do so.

12. That being so, the petition lacks merits. Stands dismissed. No costs.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)