

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 11th day of April Two Thousand And Nineteen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

OA No 530 OF 2019

S. Vijayan,
71-B, Anbu Nagar,
Manakkadu, Hasthampatty,
Salem- 636 007.

....Applicant

(By Advocate: M/s. C.S. Associates)

Versus

1. Union of India Rep. by its
Director General Posts,
Dak Bhawan, Samsad Marg,
New Delhi- 110 0116;
2. The Principal Chief Postmaster General,
Tamilnadu Circle,
Anna Road, Chennai- 600 002;
3. The Director, Postal Services,
Western Region, Tamil Nadu,
Coimbatore- 641 002.

...Respondents

(By Advocate: Mr. Su. Srinivasan)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. The applicant has filed this OA seeking the following reliefs:-

"to call for the records pertaining to the rejection order issued by the 3rd respondent in his Memo No LC/11025/OA1198/2017 dated 16.04.2018 and quash the same and direct the respondents to grant interest to the applicant for the delayed payment of terminal benefits and pass such further or other orders as may deem fit and thus render justice."

2. It is submitted that the applicant was issued with a charge memo dated 10.04.2006 but the respondents never pursued the matter seriously. Accordingly, the applicant filed O.A. 939/2008 which was disposed of by its order dated 19.03.2010 directing the respondents to pass final orders within a period of six months. The applicant challenged the order in W.P. 22859 of 2010 in the Hon'ble High Court of Madras. A Division Bench of the Hon'ble High Court by order dated 28.11.2011 dismissed the Writ Petition. However, the respondents were granted further six months time from the date of the order to complete the said inquiry.

3. The respondents filed M.P. No.01 of 2012 in the aforesaid W.P., seeking extension of time to comply with the order W.P.22589 of 2010 dated 28.11.2011, which was dismissed by order dated 08.08.2012. Thereafter, the applicant approached the Tribunal in O.A. 514/2013 which was partly allowed and the action of the respondents in proceeding with the inquiry pursuant to the charge memo was found unsustainable. Accordingly, it was also held that the consequential proceedings dated 17.7.2012 would not



subsist. The charge memo dated 10.4.2006 was quashed along with Memo dated 17.07.2012.

4. The applicant filed representation dated 27.07.2016 seeking interest on the delayed payment of Gratuity and other terminal benefits which had not been replied to. Accordingly, he filed O.A. 1198/2017 before this Tribunal, which was disposed of by an order dated 26.07.2017 directing the respondents to consider and dispose of the representation dated 27.07.2016 in accordance with the rules and pass a reasoned and speaking order. The impugned order dated 16.4.2018 came to be passed in pursuance thereof, aggrieved by which the applicant is before this Tribunal again.

5. Learned counsel for the applicant submits that as inquiry against the applicant had been dropped and inasmuch as the respondents were directed to dispose of the said representation in accordance with rules, he could not be denied the interest on the delayed payment especially of gratuity for which a provision existed in the CCS (Pension) Rules, 1972.

6. Mr. Su. Srinivasan, Ld. Sr. Central Government Standing Counsel taking notice for the respondents, submits that the applicant was not exonerated in the disciplinary proceedings. The proceedings were dropped because of a failure on the part of the authorities to comply with the time limits set by the Tribunal and the Hon'ble High Court and, as such, it could not be said that the applicant was exonerated or that the gratuity and other payments were held up for no fault of the applicant. Rule 68 of CCS (Pension) Rules provide for payment of interest only in cases where delay occurred due to administrative reasons or lapses. The Government of India



decision as per G.I. Dept. of Per & A.R O.M. No.F.7(1)-P.U./79 dated 11th July 1979 and No.1(4)/Pen.Unit/82, dated the 10th January 1983 states that:-

'where the disciplinary or judicial proceedings against a Government servant are pending on the date of his retirement, no gratuity is paid until the conclusion of the proceedings and the issue of the final orders thereon. The gratuity, if allowed to be drawn by the Competent Authority on the conclusion of the proceedings will be deemed to have fallen due on the date of issue of orders by the competent authority.'

As such, the claim of the applicant for interest on alleged delayed payment from the date of retirement till the date of issue of orders is misplaced, it is contended.

7. I have considered the submissions and perused the pleadings of the applicant. From Annexure-A/3 order of the Tribunal in O.A. 514/2013 dated 05.10.2015, it is clear that the applicant, in-addition to seeking the quashment of the charge memo dated 10.04.2006, had also sought a direction to the respondents to settle all the terminal benefits, such as, Death cum retirement gratuity, pension and other permissible terminal benefits with interest @18%. However, the relief granted by the Tribunal was confined only to the quashment of charge memo dated 10.4.2006 and memo dated 17.7.2012. As the relief sought for interest on consequential payments had not been granted by the Tribunal in the previous OA, the applicant could not be allowed to seek the same relief in this O.A. If the applicant was not satisfied with the extent of relief granted by the Tribunal in

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the said OA, he should have exercised an appropriate legal remedy at the relevant time.

8. The respondents appear to have passed orders as per the provisions of Rule 68 and the Government of India decision taken thereunder. It is not in dispute that the applicant was not exonerated of the charges but the proceedings were quashed for non-adherence to time limit by the respondents. However, the consequential relief of interest on delayed payment was not granted by the Tribunal, keeping in view the totality of the circumstances. Therefore, the respondents could not be faulted for complying with the order and releasing the consequential benefits within the scope of the order.

9. In view of the above, the OA is not maintainable and is accordingly dismissed. No costs.