

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

**O.A. No.553/2018
M.A. No.30/2020**

Date of decision: 06.02.2020

**Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhyay, Member (A)**

Chhote Lal Tomar son of Late Shri Puran Singh, aged about 61 years, resident of Railway Station Bharatpur and resident of Matrachhaya, 6-C, Natwar Nagar (Near Moti Kunj), Mathura, Uttar Pradesh and retired on superannuation on 31/08/2018 from the post of Senior Section Engineer (Special) Works, West Central Railway, Bharatpur, Kota Division, Kota. ...Applicant.

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India through General Manager, West Central Zone, West Central Railway, Indira Market, Jabalpur (M.P.) – 482007.
2. Divisional Railway Manager, West Central Railway, Kota Division, Kota - 324001.
3. Divisional Finance Manager, West Central Railway, Kota Division, Kota - 324001.

...Respondents.

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

Miscellaneous Application No.30/2020 has been filed by the applicant stating therein that during pendency of the Original Application, the respondents have made the payment of gratuity,

(2)

commuted value of pension and the amount of leave encashment. However, they have failed to pay interest over the delayed payment of gratuity and the issue with regard to recovery of a sum of Rs.16,335/- has also not been resolved upto today. Neither the Pension Pay Order has been issued by the respondents.

2. Shri C.B.Sharma, learned counsel for the applicant submitted that in order to claim the interest over delayed payment of gratuity and to resolve the issue with regard aforesaid amount of recovery, the applicant has already moved the representations dated 02.12.2019 (Annexure MA/1 and 17.12.2019 (Annexure MA/2) and he will be satisfied if a direction is issued to the respondents to decide the said representations within a time frame.

3. Shri Anupam Agarwal, learned counsel for the respondents on the other hand submitted that the applicant's Pension Pay Order has already been issued and the issue with regard to an amount of Rs.16,335/- has also been resolved by the respondents. So far as the payment of interest over the delayed payment of gratuity amount is concerned, he stated that the interest over the said amount cannot be allowed as there was no lapse on the part of the respondents while withholding the amount of gratuity.

(3)

4. Since the substantive relief has already been granted to the applicant, therefore, we deem it appropriate to dispose of the present Original Application with the directions to respondents to decide the applicants' pending representations (Annexure-MA/1 and Annexure-MA/2) while keeping in view the provisions of Rule 87 of the Railway Services (Pension) Rules, 1993 as well as a judgment rendered by the Hon'ble Supreme Court in the case of **Y.K.Singla vs. Punjab National Bank & Others** (Civil Appeal No.9087/2012 arising out of SLP (Civil) No. 14570 of 2012) and pass a reasoned and speaking order within a period of one month from the date of receipt of a certified copy of this order.

5. Ordered accordingly. No order as to costs.

(A.Mukhopadhyaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/