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Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No. 1669/2001

Thursday, this the 22nd day of November, 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

Jiwa Ram Rathore (Retd.)
C/O Ram Sewak Rathore
Sarol Jalebi Wala
House No.469, Block-I
Sunder Nagri
Delhi-93.

..Applicant

(By Advocate: Shri G.S.Lobana)

Versus

1. Union of India through
Director General
Department of Posts
Parliament Street
New Delhi-1.
2. Post Master General
Agra Region
Agra-282 001
3. Superintendent of Post Offices
Etah Postal Division
Etah (UP) 207 001.

..Respondents

(By Advocate: Shri Rajeev Sharma for Shri Shri N.S.Mehta)

O R D E R (ORAL)

Heard the learned counsel on either side.

2. The applicant, who retired from service on 31.7.1993, was served a charge-sheet for imposition of a major penalty on 30.7.1993. Finally, a penalty of 20% cut in pension for three years was imposed on him by the disciplinary authority's order dated 4.8.1999. The aforesaid order was agitated in OA-251/2000 decided by this Tribunal on 29.6.2000. The Tribunal quashed and set aside the aforesaid penalty order thereby exonerating the applicant. The learned counsel appearing on behalf of the applicant submits that as a result of applicant's total exoneration as above, he became entitled for payment of gratuity w.e.f. 1.8.1993, whereas gratuity has actually

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(2)

been paid to him only on 31.8.1999 after the imposition of the aforesaid major penalty. He submits that interest should be directed to be paid to the applicant on the amount of gratuity w.e.f. 1.8.1993 upto 31.8.1999 @ 18%. In regard to the period after 31.8.1999, the respondents may be directed to pay interest on the aforesaid amount of interest upto the date of payment ^{of such amount} ~~of such amount~~. According to him, the payment of pension for the months of June, July, August and September 2000 also remained held up upto 9.10.2000. In respect of the aforesaid amount also, the respondents may be directed to pay interest for the period upto 9.10.2000, and interest on the aforesaid amount of interest upto the date of actual payment ~~of the amount of~~ interest.

3. I have considered the submissions made by the learned counsel on either side. The learned counsel appearing on behalf of the applicant has fairly stated that ^{applicant} ~~he~~ would be satisfied to receive interest calculated @ 12% on the payment of gratuity for the period from 1.8.1993 to 31.8.1999. According to him, the same rate of interest can be applied to the delay in payment of pension for June, July, August and September, 2000. The payments ^{in such cases} of interest @ 12% has been sanctified by a number of judgements rendered by this Tribunal and other Courts. I am, therefore, inclined to direct the respondents to pay interest @ 12% on the amount of gratuity from 1.8.1993 to 31.8.1999. On the amount of pension ^{also} withheld as above, the same rate of interest should be applied. I direct accordingly. In the circumstances of the present case, I

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(3)

see no justification for imposing interest on interest in the manner requested on behalf of the applicant.

4.. The present OA is disposed of in the aforestated terms. No costs.



(S.A.T. RIZVI)
MEMBER (A)

/sunil/