



CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1934/2001

New Delhi this the 15th day of February, 2002

Hon,ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

Shri H.C.Singh,
Ex.Scientist, CMRI
Dhanbad
S/O Late Sh.Ram Lakhan Singh
R/O Flat No.902,Block No.16,
East End Apartments, A-5,
Chilla, Delhi-110096

..Applicant

(By Advocate Shri L.K.Singh)

VERSUS

- 1.Council of Scientific and
Industrial Research, through
its Director General, Rafi Marg,
New Delhi-110001
- 2.Central Mining Research Institute,
Through its Director,
Barwa Road, Dhanbad-826001
Jharkhand.

..Respondents

(By Advocate Shri Kapil Sharma)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

In this application, the applicant who has retired from service on 31.1.1994 is aggrieved that the respondents have not so far paid any interest on the amount of gratuity for the period of delay i.e. w.e.f. 1.2.1994 till the date when the gratuity was actually paid to him on 19.3.1997, which he claims is illegal and against the provisions of the CCS (Pension) Rules, 1972. He has, therefore, prayed that a direction may be given to the respondents to pay the total amount of interest

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which has accrued to the applicant for the period from 1.2.1994 till 19.3.1997 on the amount of gratuity i.e. on Rs.1,00,000/- @ 12 per annum. He has submitted that further direction to pay interest on the above calculated interest w.e.f. 20.3.1997 till the date of realisation @ 12 % per annum as mentioned in Para 8(ii) is not pressed.

2. Shri Kapil Sharma, learned counsel for the respondents has submitted, on instructions from the respondents, that the respondents are now prepared to pay interest on the delayed payment of gratuity, although he is unable to tell us for which period. With regard to ^{the} ~~these~~, Shri L.K. Singh, learned counsel for the applicant has submitted that it will be seen from the facts of the case, that only when the applicant has filed this OA on 1.8.2001 after rejection of his representation by letter dated 10.3.2000, the respondents have now stated that they have taken a decision to pay interest for the delayed payment of gratuity which ought to have been paid to the applicant when he retired from service on 31.1.1994. In the circumstances of the case, learned counsel has submitted that a direction may be given to the respondents to pay interest till at least ^{the} ~~the~~ representation was disposed of because they could have dealt with the matter even at that time.

3. I have carefully considered the pleadings and the submissions made by the learned counsel for the

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parties. I find merit in the submissions made by Shri L.K.Singh, learned counsel for the applicant that after the applicant has filed the OA, the respondents have taken necessary decision with regard to payment of interest on the delayed payment of gratuity i.e. after 1.2.1994. It is also not disputed that the applicant had made a representation to the respondents in this regard. However, learned counsel for the applicant has submitted that by OM dated 10.3.2000, the respondents have only dealt with the applicant's request for waiver of penal licence fee and have not dealt with the claim of interest he had made on the delayed payment of gratuity. Today, learned counsel for the respondents has submitted that the respondents have taken a decision to pay interest in accordance with the rules. Taking into account the particular facts and circumstances of the case and the fact that the respondents have themselves now decided to pay interest on the delayed payment of gratuity from 1.2.1994, I dispose of this application with the following directions:-

(i) Respondents shall pay the interest to the applicant on the delayed payment of gratuity w.e.f. 1.2.1994 till 10.3.2000 at the rate as prescribed in the relevant rules and instructions;

(ii) The above shall be done within a period of one month from the date of receipt of a copy of this order.

No costs.

(Smt. Lakshmi Swaminathan)
Vice Chairman(J)