

Central Administrative Tribunal
Principal Bench

O.A.No.1414/98

(10)

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 1st day of February, 1999

Shri J.L.Bindra
Foreman (Retired)
R/o: GH-8/112, Paschim Vihar
New Delhi. ... Applicant
(By Applicant in person)

Vs.

1. Union of India through
Superintendent Engineer
Central Public Works Division
Central Stories Circle
A-WH, Netaji Nagar
New Delhi.
2. The Executive Engineer
Mechanical & Workshop Division
East Block
R.K.Puram
New Delhi. Respondents
(By Shri Madhav Panikar, Advocate)

O R D E R (Oral)

The applicant, who was employed as Foreman with the Executive Engineer, Mechanical Workshop Division, CPWD, retired from service on 30.11.1995. His grievance is that his Gratuity was disbursed to him only on 28.10.1996, i.e., after a delay of more than 11 months. The applicant submits that he made a number of representations to the respondents through Executive Engineer, Mechanical Workshop Division, for payment of interest accrued due to the delay in disbursing the DCRG amount to him but to no avail. He has now come before the Tribunal seeking a direction to the respondents for payment of interest at the rate of 12% per annum.

2. The respondents in their reply have stated that the applicant was facing a disciplinary enquiry which was decided only by an order dated 27.10.1995. By this order the applicant's pay was reduced by two stages. Because of this the DCRG case of the applicant could not be finalised prior to the finalisation of the disciplinary

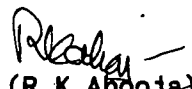
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enquiry. Thereafter, the Pay and Accounts Officer had raised certain objections and the PAO wanted a clear Vigilance Certificate before allowing the payment of gratuity. (W)

3. I have heard the applicant in person and Shri Madhav Panikar, learned counsel for Respondent No.1. It is an admitted fact that the disciplinary enquiry against the applicant had been finalised by an order dated 27.10.1995, i.e., a month prior to the superannuation of the applicant. There is some substance in the arguments of the learned counsel for the respondents that the case for pensionary benefits could not have been taken up for finalisation until the finalisation of the disciplinary proceedings. However, this should not have meant a delay of 11 months. If the respondents require three months to finalise the case of the pensionary benefits, then even if the disciplinary enquiry was finalised one month prior to the superannuation of the applicant, the respondents should have finalised the case within a reasonable period after the retirement of the applicant. In the normal circumstances I consider ~~for~~ a period of three months is sufficient for this purpose. On the other hand, they took more than 11 months. No satisfactory explanation has been given by the respondents in their reply.

4. In the facts and circumstances, I dispose of this OA with a direction to the respondents to pay interest at the rate of 7% for the period three months after the date of retirement of the applicant till the actual date of payment. The order will be complied with within three months from the date of receipt of a copy of this order. No costs.


(R.K. Ahooja)
Member(A)

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