

In The Central Administrative Tribunal
Principal Bench

O.A. 715/96

New Delhi this 12th day of January, 2000.

(60)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Sh. Hari Singh
S/o Sh. Nathu Ram
R/o Vill. Bhawlawswa,
P.O. Jahangirpuri
Delhi. Applicant

(None present)

Versus

1. Government of India Press
Minto Road, New Delhi
through its Manager
2. Union of India ,
Ministry of Urban Development
Nirman Bhavan,
New Delhi
Through its Secretary Respondents

(By Advocate Sh. A.S. Singh, proxy counsel
for Sh. R.V. Sinha)

ORDER(Oral)

Hon'ble Smt. Lakshmi Swaminathan, M(J)

The applicant has challenged the order passed by the Respondent 1 dated 14.11.95. He has stated that the respondents have refused to release the balance amount of gratuity, interest and other dues amounting to Rs.8989/- and interest upto date despite the directions given by the Tribunal in O.A.1643/87 decided on 17.3.1993.

2. None has appeared for the applicant even on the second call. This case has been listed as Item No.3 in the regular cause list today and either the

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(1)

applicant or his counsel should have been present.

In the circumstances, I have carefully perused the records and heard the Learned proxy counsel for the respondents.

3. The applicant had retired from service of Respondent 1 on 30.6.1980. According to him, the gratuity amount payable to him was not paid which was calculated at Rs.13,573/- . The applicant has stated that the Estate Officer under the Public Premises(Eviction of Unauthorised Occupants) Act, 1971 had issued two separate notices to him and also passed orders which has been challenged in appeal before the District Judge, Delhi. He has stated that the respondents have withheld the amount of gratuity payable to him on his retirement. The District Judge has remanded the case back to the Estate Officer for re-adjudication in accordance with law. The applicant has stated that no proceedings had been held for re-assessment of the amount of licence fee/damages for which he had moved the competent court again.

4. The Tribunal in its order dated 17.3.93 in OA-1643/87 had directed the applicant to deposit a sum of Rs.2500/- and also furnish a bond to pay the concerned authorities such amount, as may be assessed towards damages. It is seen from the records that the applicant had moved C.P.296/94 in OA-1643/87 which was disposed of by the Tribunal vide order dated 28.2.95 (Annexure R-6). In para 3 of this order it has been stated that:-

(2)

"After deducting the sum of Rs.8,989.10 from Rs.12,573/- the sum of Rs.2,584/- was paid to the applicant through Cheque dated 25.11.1987. Thereafter another sum of Rs.9,115/- was paid through cheque dated 22.11.1984 which was received by the applicant in Court on 6.12.1984. This amount represents interest from 1.8.1980 till October, 1987."

The Tribunal had come to the conclusion in the facts and circumstances of the case in CP-296/94 that the submissions made by the Learned counsel for the applicant are not tenable and the specific direction of the Tribunal was that the Respondents will be obliged to make payment of gratuity together with interest only after the affidavit had deposited the sum of Rs.2500/- and furnished bond before the concerned officer. It has been further noted in this order that the applicant had neither deposited the amount of Rs.2500/- nor the bond referred to in the judgment of the Tribunal. Hence it was held that in view of this admission, the respondents were not obliged to make payment of the gratuity, although they have made the payment.

5. I have also seen the order of the Tribunal dated 14.2.96 in CP-17/96. The claim of the applicant that he may be allowed to tender the bond as well as the amount of Rs.2500/- in any manner as may be directed by the Tribunal in order to comply with the judgment dated 17.3.93 in OA-1643/1987 is not maintainable and hence rejected. The direction in this regard has already been given by the Tribunal as far back as March, 1993.

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6. By the impugned order dated 14.11.95 the respondents have given clarification of payment made to the applicant in Para 4. In the facts and circumstances of the case, the claim of the applicant that the respondents may be directed to release the amount of gratuity held back with interest, including the damages amount of Rs.8,989/- is not tenable ;so also the claim for interest @ 10% from November 1987 to 31.7.96.

7. In the result, for the reasons given above, as there is no merit in this OA, the same is dismissed. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

RB.