

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 17/90
T.A. No.

199

DATE OF DECISION 26.10.1990.

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| Shri R.K. Datta Gupta | xxxxxxx Applicant Petitioner |
| Shri Gyan Prakash, | Advocate for the xxxxxxx Applicant Petitioner(s) |
| Versus | |
| Union of India & Others | Respondent |
| Shri M.L. Verma, | Advocate for the Respondent(s) |

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The grievance of the applicant, who has worked for over 35 years in the Archaeological Survey of India under the Department of Culture, Ministry of Human Resource Development, is that the respondents have not released to him a sum of Rs.21,169.50 towards gratuity payable to him on his retirement from service on attaining the age of superannuation on 31.11.1982. The respondents have not released the said amount as, according to them, he has to account for stores and equipment worth about Rs.53,772.50.

2. The applicant is now over 67 years of age. After his retirement from service in 1982, he has been leading a retired life and not pursuing any gainful pursuits. There is

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no allegation to the contrary in the counter-affidavit filed by the respondents. There is also no allegation that the applicant took away the various items said to be unaccounted for by him and disposed them of to his pecuniary or other advantage. Their basic stand is that before his retirement, 'No Dues Certificate' was not issued to the applicant as he had not handed over full charge. The version of the applicant is that he has handed over all the materials to one, Shri Bora, on 26.11.1982 and entries to this effect have been made in the Stock Register.

3. The applicant's handing over charge of some items of Stores and equipment which were supposed to be under his charge, to another officer of the Department, cannot be doubted. It may be that the handing over of the charge is symbolic and on "as is where is" condition. Can this be faulted? This is what is normally done in similar cases. The handing over and taking over of charge is an archaic formality. This passes off quietly and without raking up any controversy.


4. The C.C.S. (Pension) Rules, 1972 refer to the production of "No Demand Certificate" from the Directorate of Estates in respect of government accommodation in the occupation of the retiring government servant. Apart from this, the statutory rules do not provide for production of "No Dues Certificate" by a retiring government servant. It was the duty and responsibility of the respondents to ensure, at the time of the retirement of the applicant, that nothing was outstanding against him. Verification of stock registers and other formalities should have been made by them much in advance of the date of his retirement. For their lapses in

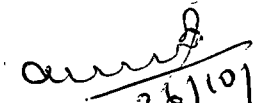
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this regard, it will be unjust to seek to withhold the gratuity payable to him in order to save themselves from the wrath of the Audit authorities.

5. In our opinion, the proper course in the instant case is for the respondents to put a quietus to this controversy by writing off the stores allegedly missing or not traceable and release the amount of gratuity to the applicant together with simple interest at the rate of 10 per cent from 1.1.1983 to the date of payment. We order and direct accordingly. The respondents shall comply with the above directions within a period of one month from the date of receipt of this order.

There will be no order as to costs.


(D.K. Chakravorty)
Administrative Member


26/10/90
(P.K. Kartha)
Vice-Chairman(Judl.)