

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

O.A. No. 2383/91.

Date of decision 19.9.91

Amrit Singh

.....Applicant.

Vs.

1. Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager,  
Northern Railway, New Delhi:.....Respondents.

CORAM: HON'BLE MR B.S. SEKHON, VICE CHAIRMAN.  
HON'BLE MR I.K. RASGOTRA, MEMBER (A).

For the Applicant - Mr. G.D. Bhandari, Advocate.

For the Respondents - Mr. B.K. Aggarwal, Advocate.

B.S. SEKHON:

The factual matrix to the instant Application lies in a short compass. Applicant retired from Railway Service on 31.10.1986 on attaining the age of superannuation. At the time of retirement, he was holding the post of Station Superintendent. A charge-sheet for imposition of major penalty was issued to the Applicant on 7.6.1985. Applicant assailed the aforesaid charge sheet in O.A. 61/87. The O.A. was disposed of by the Tribunal with the direction that the enquiry proceedings be completed within three months. Applicant filed CCP 63/89. The aforesaid CCP was disposed of vide order dated 19.3.90 (copy Annexure A/4). As per the operative portion of the said order, Respondents were directed to pay the with-held gratuity to the

Applicant within a period of one month of the receipt of copy of the order alongwith the interest as admissible under the rules. With the aforesaid direction the notice of contempt was discharged. The amount of gratuity to<sup>the</sup> tune of Rs. 41220/- was paid to the Applicant on 28.5.90 and the interest to the tune of Rs. 12469/- was paid on 10.10.1990. Applicant has claimed interest on account of the delayed payment of the gratuity as also on the delayed payment of the amount of interest. He has also claimed interest @ 15% per annum from 30.10.86 to 28.5.90 on the gratuity amount of Rs. 41220/- and the interest on the amount of interest for the period commencing from the expiry of one month from the date of order Annexure A/4 till 10.10.1990.

2. Respondents' defence as set out in the counter is that the payment was arranged as expeditiously as could be. The amount of gratuity which was to be paid on 30.4.90 was paid on 28.5.90 i.e. within one month of the date of receipt of order dated 19.3.90. The period of delay of one month or so was neither intentional nor arbitrary but due to the calculation of the amount and seeking approval at various levels, issue of sanction and thereafter arranging the cheque. It has also been stated in the counter that a few days were attributed to administrative procedure and the Applicant has been paid the gratuity amount and interest there on.

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3. We have heard the arguments addressed by the learned counsel for the parties and have considered the pleadings and documents on record.

4. So far as Applicant's claim for interest @ 15% p.a. for the period 30.10.86 to 28.5.90 as also for interest on the delayed payment of interest amount is concerned, the same is difficult to sustain. This is so for the reason that the instant Application is founded on the order Annexure A/4. Applicant is entitled only to such interest as he can validly claim on the basis of Annexure A/4. As per the aforesaid order, Respondents were directed to pay the with-held gratuity within a period of one month alongwith the interest thereon as admissible under the rules. Applicant's claim for interest on the gratuity at a higher rate ~~including~~ the period commencing from the expiry of the period of one month from the date of receipt of copy of the order dated 19.3.90 is, therefore, held to be unsustainable. The specific direction given to the Respondents vide order Annexure A/4 was to pay the with-held gratuity within a period of one month of the receipt of copy of this order. The learned counsel for the Respondents was asked <sup>by us</sup> to specify the date on which the copy of the aforesaid order was received by the Respondents, ~~we~~ <sup>a</sup>, however, drew/blank. Assuming the requisite period of one month expired on 30.4.90 which is the stand taken by the Respondents in the counter, there is clearly a delay of 27 days in the payment of with-held gratuity.

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5. During the course of arguments, the learned counsel for the Respondents stressed that the aforesaid delay is neither intentional nor arbitrary and that the same is due to the time which was necessarily required for obtaining approval/sanction at various levels and for arranging the payment. In view of the specific direction given vide Annexure A/4, the aforesaid argument put forward by the learned counsel for the Respondents is of little avail to the Respondents. In view of the delay of 27 days in the payment of with-held gratuity, Respondents are liable to pay the interest thereon. Respondents are accordingly hereby directed to pay interest on the amount of gratuity i.e. Rs. 41220/- for the period of 27 days @ 12% per annum. Turn/ claim on interest amount for the period 1.5.91 till 9.10.1991, in support of this claim the learned counsel for the Applicant pressed into service the decision of Ernakulam Bench rendered in P.N. Gopinathan Nair Vs. General Manager, H.V.F. Avadi & others. In respectful agreement with the view taken by the Ernakulam Bench, we sustain the claim for interest on the amount of interest. Respondents are accordingly directed to pay interest @ 12% p.a. on Rs. 12469/- for the period 1.5.91 to 9.10.91. Respondents are directed to comply with this judgment within a period of two months from the date of receipt of copy of this judgment failing

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which Respondents shall also have to pay interest @ 12% p.a. on the aforesaid amounts till the date of actual payment. Application is disposed of accordingly, but in the circumstances we make no order as to costs.

*I.K. Rasgotra*  
( I.K. RASGOTRA )  
MEMBER (A)

*B.S. Sekhon*  
( B.S. SEKHON )  
VICE CHAIRMAN  
19-9-91

'MS'