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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH.

O.A. No. 3248 of 1992

New Delhi this the 2nd day of December, 1993

Mr. Justice S.K. Dhaon, Vice-Chairman

Shri Sushil Chandra Saxena
R/o JG-I/1040A, DDA Flats, Vikas Puri
(Outer Ring Road),
New Delhi-110018.

...Petitioner

By Advocate Shri D.R. Roy

Versus

1. Union of India through
Secretary,
Min. of Railway's,
Rail Bhawan,
New Delhi-110001.
2. The General Manager,
Northern Railway Headquarter's Office,
Baroda House,
New Delhi-110001.
3. The Chief Administrative
Officer (Construction),
Northern Railway,
Kashmere Gate,
Delhi-110006.
4. The Divisional Railway Manager,
Northern Railway,
New Delhi-110055. Respondents.

By Advocate Shri Rajesh

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The petitioner on 30.04.1992 retired as an employee of the Railways. His prayer is that he may be awarded interest on the delayed payment of gratuity to him.

2. On 01.05.1992, the General Manager(G), Northern Railway issued a communication to the petitioner to the effect that he was allowed to retain possession over Flat No.61/10, Subzimandi, Delhi from 01.05.1992 to 31.08.1992 on payment of flat rate of licence fee. The communication took note of the fact that the petitioner had retired from service on 30.04.1992. Indisputably, the petitioner vacated the accommodation on 10.07.1992.

3. It is not in dispute that sometime in September, 1993, the petitioner was actually paid a sum of

Rs.55,769/- towards his gratuity dues. The order sheet dated 27.08.1993 indicates that on or before that date, the petitioner had not actually received the aforesaid sum. As already stated, the petitioner had been permitted to retain possession over Flat No.61/10 Subzimandi, Delhi on payment of flat rate of licence fee. Therefore, in accordance with Rule 233 of the Railway Manual, the respondents were not justified in retaining a sum exceeding Rs.1,000/- towards the payment of the licence fee of the said accommodation. It follows that the respondents had no justification whatsoever to withhold a sum of Rs.55, 769/-, payable to the petitioner, during the period 1.7.1992 to 20.09.93. Learned counsel for the petitioner states at the Bar that under the normal procedure, the Railways are permitted to make the payment of gratuity within a period of 2 months from the date of retirement of an employee. Therefore, the respondents have no justification in not making the payment on or after 1.7.1992. It is stated at the Bar that the actual payment was received by the petitioner on 20.09.93. It follows that the petitioner was unjustifiably denied the use of a sum of Rs.55,769/- from 1st July, 1992 to 19th September, 1993. Thus, there should be no difficulty in taking the view that the respondents are liable to pay interest on the delayed payment of gratuity with effect from 1.7.92 to 19.09.93. I, accordingly, direct the respondents to pay interest for the period from 1.7.1992 to 19.09.1993 at the rate of 12% on a sum of Rs.55,769/-. The authority shall compute interest within a period of one month from the date of presentation of a certified copy of the order by the petitioner before the relevant authority.

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Thereafter, the payment shall be made within 2 weeks to the petitioner. The respondents shall also refund whatever amount is refundable to the petitioner out of Rs.1000/- retained towards licence fee of the accommodation.

4. There shall be no order as to costs.

Sug.
(S.K. DHAON)
VICE CHAIRMAN
02.12.1993

RKS