Central Administrative Tribunal
Principal Bench, New Delhi.

26

CCP-405/93 in
OA-2391/92

New Delhi this the 19th Day of July, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri R.C. Srivastava,
Retd.Dy.CSTE,
Northern Railway,
R/o 374, Sector-37,
Noida-201303. Petitioner

(Petitioner in person)

versus

1. Sh. Masih-Uz-Zaman,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Sh. A. Bhattacharya,
FA&CAO,
Northern Railway,
Baroda House,
New Delhi. Respondents

(By advocate Sh. H.K. Gangwani)

ORDER(ORAL)
delivered by Hon'ble Mr.Justice S.K.Dhaon, Acting Chairman

The learned counsel for the respondents has produced before us a receipt of the Allahabad Bench dt. 18.07.94 which indicates that in the current Account No.101869 of the applicant a sum of Rs.250/- has been deposited by cheque. This deposit, if made, complies with the order dated 07.06.1994 of this Tribunal whereby the respondents were required to pay a sum of Rs.250/- to the applicant.

The applicant,who appears in person,states that, in fact, he was liable to pay interest at the rate of 8% to the respondents whereas the respondents have realised interest at the rate of 9%. The learned counsel for the respondents states that the department shall refund to the applicant the excess amount of interest charged.

However, we make it clear that the respondents shall not realise interest from the applicant at the rate higher than 8%. According to the applicant, a sum of Rs.1866/- is refundable to him. The learned counsel for the respondents points out that this figure cannot be accepted and this ~~shall~~ should be left to the Accounts Department of the respondents. This stand appears to be correct. The Accounts Department of the respondents shall make the necessary calculation within a period of one month from today and the excess amount realised from the applicant shall be refunded to him (the applicant) within a period of two weeks from the date of completion of the calculation.

Now we come to the question of payment of gratuity to the applicant. We find that on 07.06.94 two learned Members of this Tribunal comprising Hon'ble Mr. Justice V.S. Malimath, the then Chairman and Hon'ble Mr. P.T. Thiruvengadam, Member(A) after hearing the applicant, who appeared in person and the learned counsel for the respondents, thrashed out the entire matter and recorded categorical findings. The only question left open on that date was the rate on which ~~the~~ interest was payable to the applicant for the retention of his gratuity by the respondents. The Hon'ble Members noted in their order that even the rate of interest had been determined by this Tribunal while giving the directions in the O.A. filed by the applicant. We have heard the learned counsel for the respondents on the question of rate of interest and we are satisfied that the applicant is entitled to be paid interest at the rate of 12% on the amount of gratuity withheld by the respondents. We reiterate that the quantum of gratuity to be paid to the applicant by the respondents shall be computed in accordance with the order passed by the Tribunal on 07.06.94 in the contempt

28

proceedings. Gratuity became payable to the applicant on the date of his retirement. This has been so held by this Tribunal in O.A. No.2391/92 and the judgment therein binds the respondents as they were respondents in the O.A.

With these observations, this contempt petition is disposed of.

Notices issued to the respondents are discharged. There shall be no order as to costs.

(B.N. DHOUNDIYAL)
MEMBER (A)

(S.K. DHAON)
ACTING CHAIRMAN.