

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 30th day of October 2000.

Original Application no. 1296 of 1996.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Hari Vilash, S/o late Shri Nathu Ram,
Ex D.S.K. I, Izatnagar, Jag Jeevan Ram
Nagar, Suhag Nagar Road, Distt. Firozabad.

.. Applicant

C/A Shri Anand Kumar

Versus

1. Union of India through General
Manager, Northern Eastern Railway,
Gorakhpur.
2. Controller of Stores, Northern Eastern
Railway, Izatnagar.
3. District Controller of Stores, Northern Eastern,
Railway Izatnagar.

... Respondents

C/Rs Shri D.C. Saxena

...2/-

Saxena

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O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

Shri Hari Vilash, the applicant retired from respondents service on 31.01.1994 from the post of Divisional Store Keeper Grade I. After his retirement all his retiral benefits have been settled and provided, but for gratuity to a tune of Rs. 22,000/- for which the applicant has come up before the Tribunal for direction to the respondents to make payment of entire gratuity of Rs. 22,000/- with 12% interest thereon.

2. The respondents have contested the case and filed CA with the mention that amount of gratuity has been withheld. because the applicant defalcated in a transaction of welding electru-dus which resulted a loss of Rs. 20805.85 p. to the respondents establish-ment, for which disciplinary proceedings against the applicant have been initiated even prior to his retirement and the payment of Rs. 22,000/- under head gratuity has been with-held pending finilisation of disciplinary action.

3. Heard Shri Anand Kumar learned counsel for the applicant and Shri D.C. Saxena, learned counsel for the respondents and perused the record.

Saxena

...3/-

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4. The facts of the matter, as have come up from the pleadings, ^{are} is that the gratuity of the applicant has been with-held on account of some action on ^{the} ~~his~~ ^{of applicant} part, which caused loss ^{to} ~~of~~ the respondents establishment in the year 1986 and the applicant retired in the year 1994. During this period the responsibility could not be fixed upon the applicant with the final finding that he ^{is} ~~has~~ the person responsible for the alleged loss and liable to make good payment thereof and now at the end of year 2000 and still the matter could not be concluded, Under the garb that the file through which the departmental proceedings were initiated against the applicant is not traceable and thereby the Railway employee who retired in January 1994 could not get the amount of gratuity.

5. For the above I find a fit matter to direct the respondents to settle the amount of gratuity and release ^{forthwith} the payment of Rs. 22,000/- without interest thereon and it will be open for the respondents that in case the applicant ^{is} ~~has~~ finally found responsible ^{and liable to compensate the same,} for the alleged loss, the amount may be recovered from the applicant.

6. There shall be no order as to costs.

S. C. Anand
Member-J

/pc/