

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 29TH DAY OF MARCH, 2000

Original Application No. 515 of 1996

CORAM:

HON.MR.S.BISWAS, MEMBER(A)

Mukesh prasad Verma, S/o Late Sri Ram lakhan
Prasad, Ex-Catering Manager, R/o Mohalla
New Azad Nagar, Plot No.8,
Kanpur.

.... Applicant

(By Adv: shri Anand Kumar)

Versus

1. Union of India through general Manager
Northern railway, baroda House,
New Delhi.
2. Division Railway Manager,
Northern Railway, Allahabad.
3. Area Manager, Northern Railway
Kanpur.
4. Chairman, Railway board,
Rail Bhawan, new Delhi.

.... Respondents

(By Adv: Shri A.K.Gaur)

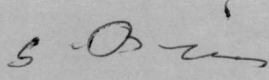
O R D E R

(BY Hon.Mr.S.Biswas, Member(A))

The limited issue in this case is the ^{admission} ~~visibility~~ of interest on the gratuity amount which was not paid at the time of retirement on 31.8.1987. The learned counsel for the respondents have pointed out that there was a major disciplinary proceeding pending against the applicant at the time of retirement and therefore the terminal benefits could not be settled in full. The case was finally disposed of in the year 1991(dated 19.9.91). However, none of the charges were found proved ^{S 2} and he was fully exonerated. The counsel for the applicant wanted ^{S 2} that since the applicant was fully exonerated the retirement benefit including pension should have been paid on the date of retirement and since it was not paid ~~and in anticipatory not paid~~ ^{S 3}, interest is due from the date of retirement as quoted above. ^{S 3} However, ^{S 3} the learned counsels ^{S 3} are fairly agreed that since there are rule in both ways for non-inclusion of the delay as reported in 'State of Haryana Vs. Chandramani, 1996 A.I.R 1623, ^{S 3} the full rate of interest as ordered elsewhere, is not payable.

2. The applicant has however, suffered financial loss for non payment of gratuity from the date of retirement. Both the counsels have agreed ^{that} the interest on the gratuity amount from 19.9.1991 when the case was finally decided is payable @ 10% till date. This court therefore, disposes of the pending cause of action by the following order:-

"Interest on the ^{unpaid} gratuity amount shall be paid
@ 10% from 19.9.1991 till date within 8 weeks
from the date of receipt of copy of this order.
No costs."


MEMBER(A)

Dated: 29.3.2000

Uv/