

**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

**LIBRARY**

O.A/350/0709/2021

Date of Order: 12/08/2021

**Coram:** Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member



Shri Manik Ganguly, son of Late T. K. Ganguly, aged about 66 years, worked as Junior Engineer/Works, Siliguri under Senior Sectional Engineer/IC Engineering Department, North East Frontier Railway, Siliguri, residing at Parmila Apartment, M. M. Dutta Road, Desh Bandhu Para, P.O. & P.S. Siliguri, District : Darjeeling, Pin – 734004..

....Applicant

-Versus-

1. Union of India, service through the General Manager, North East Frontier Railway, Mligaon, Assam, Pin – 781011.
2. The Chief Personnel Officer, North East Frontier Railway, Mligaon, Assam, Pin – 781011.
3. The FA & CAO, North East Frontier Railway, Mligaon, Assam, Pin – 781011.
4. The Divisional Railway Manager (P), North East Frontier Railway, Katihar, Pin - 854105.

...Respondents

For The Applicant(s): Mr. P. C. Das, Counsel

Ms. T. Maity

For The Respondent(s): Mr. D. Das Banerjee, Counsel

## ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsel for both sides.

2. This application has been preferred to seek the following reliefs :

- i) An order directing the respondents to cancel, rescind, withdraw or set aside the purported, Charge Memo, and speaking order dated 23.03.2021 and to allow his gratuity amount with due interest thereon on regular basis with all other consequential benefits as per law.
- ii) An order directing the respondents to allow entire gratuity amount and with interest thereof and all consequential benefits in favour of the applicant as per procedures of law.
- iii) An order directing the respondents to produce entire records of the case with copy to the Ld. Advocate appearing for the applicant for conscientious justice.
- iv) Any other order or orders further order/orders as to this Hon'ble Tribunal may seem fit and proper.



3. Learned Counsel for the respondents submits that DCRG have already been paid to the applicant and hence the O.A. has become infructuous, however, Learned Counsel for the applicant prays for grant of interest on the delayed payment.

4. Since the respondents have released the DCRG amount after a considerable delay they are bound to pay interest for the delayed payment, unless the delay is attributable to the applicant.

5. Learned Counsel for the applicant would submit that the matter is pending since 04.06.2021. As the sanctioned amount is without any interest on delayed payment, the applicant is entitled to get interest on the delayed payment since according to him the delay is not attributable to the applicant.

6. At hearing, ld. Counsel for the applicant would also submit that he would be fairly satisfied if a direction is issued to the competent authority to consider his pending representation for payment of interest, in a time bound manner.

7. Ld. Counsel for the respondents does not have any objection if a direction is issued to the authorities to consider the representations, in accordance with law.



However, the Learned Counsel for the respondents seek time to take instructions as to why the DCRG amount has been released after a considerable delay.

Inter alia delayed payment of gratuity etc, has been allowed in the following cases :

- (i) **S. K. Dua – Vs. State of Haryana & Anr.** [(2008) 3 SLJ 108]
- (ii) **Bhailal Mahijibhai Patel – Vs. Union of India** [(2014) 2 SLJ (22) CAT]
- (iii) **Suresh O. Shah – Vs. State of Gujarat** Spl. Civil Application 220/03 decided on 03.02.2005 by Hon'ble Gujarat High Court
- (iv) **OA 2832/12** [(2015) 2 AISLJ (CAT) 405]

8. Having heard both the parties, we are of the opinion that this O.A. can be disposed of at the admission stage itself. Hence we dispose of this OA by directing the authorities to consider the payment of interest on admissible rates. Let the interest be released at admissible rates and in accordance with the law within a period of two months if the delay in releasing DCRG is not attributable to the applicant. The respondents

shall also ensure that the amount is paid to the applicant within the said period of two months.

9. It is made clear that we have not entered into the merit of this matter and, therefore, all points are kept open for consideration.

10. The OA accordingly stands disposed of. No costs.



(Nandita Chatterjee)  
Member (A)

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(Bidisha Banerjee)  
Member (J)

