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Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A.No.106 of 1987

(O.S.No.896 of 1985)

Jai Prakash Mittal Plaintiff
Versus

Union of India & Another Defendants.

Hon.S.Zaheer Hasan, V.C.

Hon. Ajay Johri, A.M.

(By Hon. S.Zaheer Hasan, V.C.)

Suit No. 896 of 1985 pending in the Court of Munsif West, Allahabad has been received on transfer under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. The plaintiff Jai Prakash Mittal filed this suit for recovery of Rs.3000/- as gratuity, Rs.915/- as interest thereon and Rs. 1,326/- as interest on account of late payment of Rs.9,153-90, the gratuity already paid, and also the costs of the suit.

3. The plaintiff retired as Goods Clerk on 30.9.1981. It is admitted that the gratuity amounted to Rs.12,153-90 out of which Rs. 9,153-90 were paid on 18.12.82. An amount of Rs.3000/- was not paid due to non assessment of anticipated commercial debit. We understand that there are certain instructions in regard to finalization of outstanding commercial debits against employees who are ~~retiring~~. This exercise has to be completed within reasonable time. The plaintiff retired in 1981 and in the suit filed in 1985 he has prayed for the release of the held up amount of Rs. 3000/-. There is nothing to suggest that the assessment of anticipated commercial debit was done and full amount or any part thereof was deducted and the plaintiff was informed regarding

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the same. There is also no averment that held up amount or part thereof has been released and paid to the plaintiff. Under the circumstances the defendants are directed to pay Rs.3000/- to the plaintiff, if not already paid, with interest @ 10% from the date due upto the date of the payment. Interest @ 5% per annum should also be paid on Rs. 9,153-90 from 1.10.1981 to 18.12.82. Under the circumstances of the case parties to bear their own costs.

23.9.87

Vice Chairman

23.9.87

Member (A)

Dated the 23rd Sept., 1987

RKM