

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Original Application No. 645 of 1992

G D Upadhyaya

Applicant

Versus

Union of India and others

Respondents

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Hon'ble Mr. Mahrajdin, Member-J

This is an application under Section 19 of the Administrative Tribunal Act 1985 seeking direction against the respondents to make payment to the applicant a sum of Rs.2,110/- as interest which has become due, due to delayed payment of amount of gratuity.

The relevant facts giving rise to this application briefly stated, are that the applicant retired as Guard on 30 06 91 from Allahabad Division, N E Rly. The applicant was entitled to be paid a sum of Rs.56,265=00 as gratuity soon after his retirement. The amount of gratuity was, however, paid to the applicant on 20 02 92. Thus the payment was apparently delayed for four months and nineteen days.

The respondents filed counter reply and resisted the claim of applicant inter alia on the grounds that the respondents under the extant rules were entitled to retain the payment of gratuity for a period of six months as the applicant belonged to a category involving Comml. Debit.

W.M.

I have heard the learned counsel for the parties and perused the record.

The payment of amount of gratuity becomes due soon after the retirement of the employee. The applicant had retired from service after superannuation on 30 06 91. The entire amount of gratuity Rs.56,265=00 was paid to the applicant on 20 02 92. According to the Government of India Ministry of Pension O M No.7/3/84 Pension Unit dated 20 07 86 copy appearing as G I Decision No.2 below Rule 68 of C C S (Pension) Rules on page 147 of Swamy's Compilation 1988 Edition (Annexure A-4), the interest admissible on such delayed payment is nil for first three months and for the remaining period exceeding beyond three months and upto one year the interest payable would be 7% and further beyond one year the interest payable on delayed payment of amount of gratuity would be 10% per annum. The respondents in para 6 of the Counter Reply has stated that the applicant is not entitled to get any interest on the amount of delayed payment of gratuity and the reference of policy of the Railway Board circulated vide letter dated 17 11 87 is given. It is stated that the copy of said letter is filed as Annexure-I along with the Counter Reply, but the respondents in fact has not filed the copy of the said letter along with the Counter Reply.

So relying on O M No.7/3/84 Pension Unit



Dated 20.07.86 (Annexure A-4), I am of the view that the applicant is entitled to get interest at the rate of 7% per annum for a period of four months and nineteen days.

The application is accordingly partly allowed and the respondents are directed to pay interest on delayed payment of amount of gratuity for a period of four months and nineteen days at the rate of 7% per annum within a period of three months from the date of communication of this order.

There will be no order as to cost.

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7.4.93
MEMBER - 3

Allahabad; Dated: 7.4.93
(WKS PS)