

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 4th DAY OF MAY, 2010)

PRESENT:

HON'BLE MR. S.N. SHUKLA, MEMBER-A

ORIGINAL APPLICATION NO.814 OF 2006
(U/s, 19 Administrative Tribunal Act.1985)

Moti Lal Prasad S/o Ram Kishan Prasad,
Retd. Se/P. Way/Con/Kne., Village-Siswa, P.O. Karaudi,
District-Deoria.

..... Applicant

By Advocate :Shri S. K. Mishra

Versus

1. Union of India through General Manager,
(Construction), North East Frontier Railway,
Maligaon, Gauhati.
2. Chief Engineer (Con)-II N.F.R., Maligaon
3. Dy. Chief Engineer (Con) N.F.R. New Jalpaiguri.
4. Executive Engineer (Con) N.E.R., Kishanganj.

..... Respondents

By Advocate: Shri K. P. Singh

ORDER

1. Heard Shri S.K. Mishra, learned counsel for the applicant and Shri K.P. Singh, learned counsel for the respondents.
2. This OA has been filed seeking following reliefs:-
 - "A) To issue a writ, order in the nature of mandamus directing the respondent no.1 to pay the gratuity from the period of 27.10.1988 to 31.08.001 amounting Rs.1,91,120/- with 18% interest up to the date of actual payment from 31.08.20001, the date of retirement.
 - B) To issue a writ, order in the nature of mandamus directing the respondent no.1 to decide the representation dated 15.03.2005 (Annexure No.5 to this

Original Application) of the petitioner which is still pending before the respondent no.1 during the pendency of the present application.

- C) To issue any other suitable order or direction as this Court may deem fit and proper under the above circumstances.
- D) Award the cost of application to the applicant."

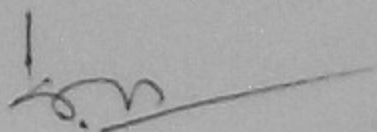
2. Shri S.K. Mishra, learned counsel for the applicant fairly concedes that during the pendency of this OA the applicant has received the entire amount of gratuity as due to him. However, the interest @ 18% claimed in the OA has not been paid to him.

3. Shri K.P. Singh, learned counsel for the respondents states that the gratuity amount having been paid in full, the grievance of the applicant in this OA does not survive any longer and hence the OA itself becomes infructuous.

4. Heard learned counsel for the parties and perused the pleadings on record.

5. The Court is of the view that the main grievance of the applicant having been mitigated no purpose will be served in keeping this OA pending. However, considering that prima facie there has been considerable delay in payment of gratuity of almost 6 1/2 years (for whatever reasons, being subject matter of records) the applicants grievances may be redressed if he is allowed to make a comprehensive representation before the competent authority for dealing with his claim as per rules/law.

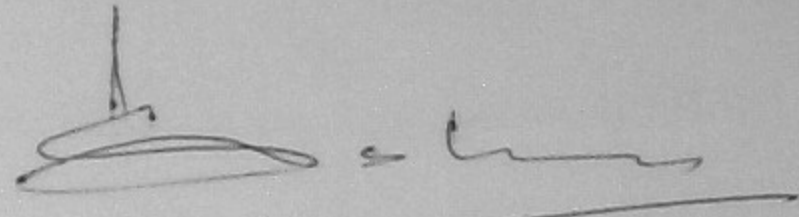
6. The applicant is, therefore, granted liberty to file a comprehensive representation before the competent authority within four weeks of receipt of copy of this order and if such a



representation is filed respondent no.2 himself or through any other authority competent in this behalf shall pass a reasoned and speaking order as per rules/law within a period of three months from the date of receipt of certified copy of this order. The decision of the competent authority will be communicated to the applicant forthwith.

7. With these observations this OA stands disposed of finally.

No order as to Costs.



Member-A

/ns/