

Refise ment dues

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. /111/92
~~P.A. No.~~

DATE OF DECISION 10/06/92

Shri B. V. Bhatt Petitioner

Mrs. Sonal D. Vyas Advocate for the Petitioner(s)

Versus

The Union of India Respondent

Mr. Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice D. L. Mehta : Vice Chairman

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
- X2. To be referred to the Reporter or not ?
- X3. Whether their Lordships wish to see the fair copy of the Judgement ?
- X. Whether it needs to be circulated to other Benches of the Tribunal ?

1. Shri B. V. Bhatt
(Retired Asstt. Collector,
Central Excise, Dn. III, Surat).
Near Sanjivani Hospital,
New sharda-mandir Road,
Paldi,
Ahmedabad.

...Applicant

(Advocate : Mrs. Sonal D. Vyas)

versus

1. The Union of India
Notice to be served through,
Ministry of Finance,
Secretary, General Secretariate,
New Delhi.
2. Collector
Central Excise & Customs,
Vadodara.
3. Pay & Accounts Officer
Central Excise
Central Excise Bldg.
Race-course Circle,
Baroda - 380 007

...Respondents.

(Advocate : Mr. Akil Kureshi)

O R A L J U D G M E N T

O.A. NO. 111 OF 1992.

Date : 10/06/92

Per : Hon'ble Mr. Justice D. L. Mehta : Vice Chairman

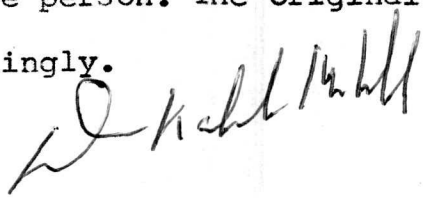
Learned counsel Mr. Akil Kureshi for the respondents pray for adjournment to file reply. It is a case in which most of the facts are admitted and the petition can be disposed of even without the reply.

The petitioner ~~was~~ retired on 30th October, 1987. In Par 6(3) it has been stated that the inquiry authority submitted the inquiry report on 29/10/1987. i. e., prior to the date of his retirement and exoniated him of all charges. Mr. Akil Kureshi, submits that the report can not be said to be a final decision and the disciplinary authority has ^{the right} ~~to retire~~ ^{discretion} to prefer the view taken by the enquiry officer. I agree with Mr. Akil Kureshi, learned counsel for the respondents, on this point. It was also submitted in para 6/7, that the petitioner was ~~exoniated~~ ^{exonerated}.

specifically by the disciplinary authority and the amount was released on 28th Nov., 1991 and was paid to the petitioner on 29th Nov., 1991. It is a case of taking a belated decision in the inquiry and retention of money of a person who has been deprived of his right to earn interest on the amount which was payable to him.

. This petition was admitted on 28th Feb., 1992, only with regard to the relief of interest on gratuity and the request for the payment of interest on the other claims, was rejected. The petition is accepted. The respondents will pay interest at the rate of 12% P.a. on the amount of gratuity from the date it became payable, i. e., the date of ^{payable} retirement. The petition is disposed of accordingly.

The payment of interest should be made within four months from today; failing which the petitioner will be entitled to get the interest at the rate of 15% p.a. from the respondents and the respondents will recover the amount of interest from the person who may be negligent and who may be responsible for delayed payments and to recover the payment from the respective person. The original application ^{is} disposed of accordingly.


(D. L. MEHTA)
Vice Chairman

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