

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 428/92 with M.A.No. 362/92
TWNO:

DATE OF DECISION 27.10.1998

G.N. Punjabi, Petitioner

Mr. D.R. Chaudhary, Advocate for the Petitioner [s]
Versus

Union of India & Ors. Respondent s

Mr. Y.N. Ravani, Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

The Hon'ble Mr.

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

G.N. Punjabi,
Hindu, Adult, Occ: Pensioner,
Residing at Rajkot.

Address: Kirtinagar,
Kalawad Road,
Opp. Jalaram Petrol Pump,
Rajkot.
(Advocate : Mr. D.R. Chaudhary)

Applicant.

VERSUS.

1. Union of India,
Through its Secretary,
Ministry of Human Resources
Development,
Department of Culture,
Shastri Bhavan, NEW DELHI.

2. The Director General,
Archeological Survey of India,
Janpath, New Delhi.

3. The Superintending Archeologist,
Archeological Survey of India,
Vadodara Circle, Makarpura,
Vadodara.

Respondents.

(Advocate : Mr Y.N.Ravani.)

ORAL ORDER

O.A.No. 428/92

With

M.A.No.362/92

Date : 27.10.1998.

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

I have heard Mr. Ravani for the respondents and have gone through the materials on record. Mr. Chaudhary for the applicant is not present now but I find that it is possible to dispose of the present O.A. with the assistance received from Mr. Ravani and the materials on record.

2. M.A.362/92 is allowed and the delay condoned.

3. The applicant, an employee of the Archeological Survey of India, has prayed for a direction for payment of interest at the rate of 10% per annum on the amount of DCRG of Rs.34,438/- for the period from 1.2.88, which is the date of his retirement on superannuation till August 1989 the date on which the DCRG was actually paid. He also claims compound interest on the said interest.

4. The applicant retired on superannuation with effect from 1.2.88. However, at the time of retirement the department noticed that some items like one fragmentary piece of Sculpture belonging to the late medieval period was found missing and that he had transferred some items from permanent stock register to consumable stock register without informing the authorities. The matter was referred to the higher authorities namely Director General, Archaeological Survey of India, by letter dated 24.3.88 and was finalised on 3.4.89 with the decision that in order to avoid hardship to the employee, the DCRG may be released withholding only a sum of Rs.1000/-. The balance amount of gratuity was paid to the applicant in August 1989. Mr.Ravani has shown the relevant file of the Department and I find therefrom that on 11.1.91 the Department assessed the value of the missing Sculpture and decided that an amount of Rs.200/- towards the value of missing Sculpture should be withheld from the DCRG and the balance

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amount of Rs.800/- to be paid to the applicant. Mr.Ravani confirms that this amount of Rs.800/- has since been paid to the applicant.

5. The applicant's case is that there is no justification for withholding the entire gratuity towards the value of the sculpture which according to him, was of no importance. There is some force in this contention of the applicant as eventually after the enquiry, the Department itself has assessed its value only of Rs.200/-.

6. While there would have been some justification for the Department to retain a small amount say Rs.1000/- as is the normal practice, there is no explanation as to why the entire gratuity was withheld. I also find from the file that there has been delay in taking a decision and there is considerable correspondence within the organisation. It is, therefore, clear that the delayed release of gratuity is at least in part due to administrative lapses. The department ought to have released the bulk of the gratuity within three months of the retirement of the applicant.

7. In the facts and circumstances of the case, I direct payment of interest at the rate of 10% per annum as sought for by the applicant, for the period from 1st May 1988 till the date of payment on the gratuity of Rs.34,438/- in August 1989. This should be done within three months from the date of the

receipt of a copy of this order. I however, do not find any justification for awarding any further interest on the amount of interest as sought for.

8. The O.A is finally disposed of with the above directions. No cost.



(V.RAMAKRISHNAN)
VICE CHAIRMAN

Vtc.