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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 19 OF 1992.

Date of decision: February 24, 1992.

P. Yegges Babu

.... Applicant

-Versus-

Union of India and others

.... Respondents

For the applicant: Mr. G. A. R. Dora, Advocate.

For the Respondents: Mr. Ashok Mohanty, Sr. Standing
Counsel (Central).

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THE HONORABLE MR. K. P. ACHARYA, VICE-CHAIRMAN.

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
 2. To be referred to the reporters or not? No.
 3. Whether His Lordships wish to see the judgment or not? Yes.

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C O R A M

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN

J U D G M E N T

K. P. ACHARYA, V. C. In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays to issue a direction to the Opposite Parties to release the gratuity amount due to the Petitioner without ^{any} further delay.

2. The Petitioner while serving as Assistant Shop Superintendent under the South Eastern Railway posted at Bhubaneswar, he was served ^{with} a chargesheet for shortage of

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100 (one hundred) litres of Mobile Oil etc. The disciplinary proceeding was disposed of on 14th September, 1990 finding the Petitioner guilty of the charges and the disciplinary authority imposed a punishment to the extent of ordering recovery of Rs. 1341/-. In the meantime, the Petitioner ~~had~~^{has} retired on ~~superannuation~~^{superannuation}. The grievance of the Petitioner is towards non-payment of the gratuity.

3. In their counter, The Opposite Parties maintain that the Petitioner ^{though} has also been found guilty, and recommendations have been made for obtaining presidential sanction to the extent of realising this amount from the gratuity money. The Presidential sanction is awaited.

4. I have heard ^{Mr. Dora} learned Counsel for the Petitioner and Mr. Ashok Mohanty, ^{learned} Standing Counsel (Central). From the records I find that the Petitioner has volunteered by making a submission to the Railway Administration that the said amount of Rs. 1341/- be deducted from the gratuity amount and the balance be paid. I think this is a very reasonable request made by the Petitioner which should be acceded to.

5. In case of Union of India Vs. N. Padmanabhan Nair reported in AIR 1985 (1) SCC 429 Their Lordships of Hon'ble Supreme Court have held that payment of pension and Gratuity is no longer a bounty being paid by the Government. The Petitioner has retired since 30th June, 1990 and the disciplinary proceeding has been finalised on 14th September, 1990. There has been a very long time occupied in disbursing the gratuity money to the Petitioner. It is therefore,

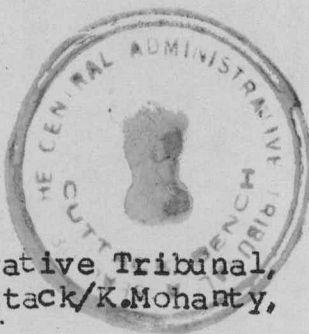
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directed that the entire amount of gratuity to which the
Petitioner is entitled, be paid to the Petitioner deducting
therefrom ^{a sum} of Rs. 1341/-, within 60 days from the date of receipt
of a copy of the judgment failing which the defaulting
Officer should be personally saddled with the payment of
of interest.

6. Thus, the application is accordingly disposed of
leaving the parties to bear their own costs.



Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty,
24.2.92.

K. Mohanty
24.2.92
VICE CHAIRMAN