

C.A. 80/99

Order dated 11.4.2002

Heard the learned counsels of both sides and perused the records.

In this Original Application the applicant has prayed for interest on delayed payment of Gratuity.

The relevant Rule-87 (interest on delayed payment of gratuity) of Railway Pension Rules reads as under.

"If the payment of gratuity has been authorised before three months from the date when its payment became due on superannuation and it is clearly established that the delay in payment was attributable to administrative lapse, interest at such rates as may be clarified from time to time by the Central Government in this behalf on the amount of gratuity in respect of the said period beyond three months shall be paid."

AFR


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Provided that the delay in payment was not practised on account of failure on the part of the Railway servant to comply with the procedure laid down in this chapter."

It appears that the applicant has already received the gratuity but has not approached the Respondents claiming interest on the delayed payment of gratuity.

In a matter of claiming of interest in O.A.NO.520/96 (disposed of on 26.02.2002), this Tribunal observed as under:

"Mere existence of right does not give rise to a cause of action to approach a Court/Tribunal, without availing the departmental remedy under the relevant service Rules. One must approach the authorities for redressal of the grievances, before approaching the Court/Tribunal and in the event such prayer not being allowed or neglected to be redressed by the authorities concerned, the same may give rise to a cause of action".



NOTES OF THE REGISTRY

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In the instant case, the applicant not having approached the Respondents, as required under the Relevant Service Rules, for payment of interest on the delayed payment of gratuity, this Original Application is disposed of leaving liberty to the applicant to approach the Respondents for redressal of his grievances, within a period of two weeks. The Respondents are directed to consider the representation of the applicant as directed above to be filed by him and grant him the necessary relief, as due and admissible, within a period of three months from the date of receipt of such representation.

With aforesaid observations and directions, this Original Application is disposed of, but without any order as to costs.

AFR

Copies of order may
be sent to the
Court for orders

17.4.02

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[Signature]
11/04/2002

MEMBER (JUDICIAL)