

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1238 of 96

Present : Hon'ble Mr. Justice A.K.Chatterjee, Vice-Chairman
Hon'ble Mr. M.S.Mukherjee, Administrative Member

BANKIM CHANDRA MONDAL, son of
Late Dada Nath Mondal, village
Kumar Bazar, P.S. Raniganj,
Dist. Burdwan, West Bengal.

..... APPLICANT

- Versus -

1. Union of India

Through the General Manager,
Eastern Railway, Calcutta.

2. The Chief Personnel Officer,
Eastern Railway, Calcutta.

3. Divisional Railway Manager,
Dhanbad, Eastern Railway,
P.O. Dhanbad, Bihar.

.... RESPONDENTS.

For the applicant : Sk. Mustak Ali, counsel

For the respondents: Mr. P.K.Arora, counsel

Heard on : 5.9.97

Ordered on : 18.9.97

JUDGMENT

A.K.Chatterjee, VC

The petitioner was an APO in the office of the DRM, Eastern Railway, at Dhanbad and retired on attaining the age of superannuation on 1.11.80. However, till the present application

was filed on 8.10.96, his gratuity was not released and pension was being paid on a provisional basis. The petitioner has stated that he was convicted by a Magistrate, First Class at Patna before whom he faced the charges under Sections 409/120 B and under Sections 467/418 read with Section 114 IPC and sentenced to suffer imprisonment for a period of 2 years which ultimately was reduced by the Hon'ble High Court on 27.11.86 to the period of imprisonment already undergone by the petitioner and ~~to pay fine to~~ Rs.400/- in default to suffer imprisonment for the rest of the period. Then he made several appeals to the authorities between 12.1.87 and 28.8.96 for release of retiral dues, which, however, were of no effect and hence this application has been filed for appropriate relief.

2. No reply was filed by the respondents inspite of due opportunities but the 1st. counsel for the respondents has stated that final pension and gratuity have since been sanctioned.

3. We have heard the 1st. counsel for the parties and perused the records before us.

4. The 1st. counsel for the petitioner has also stated that final pension and gratuity ~~was~~ ^{was} sanctioned as admissible under the rules and in such circumstances he has restricted his claim only to interest and cost. The 1st. counsel for the respondents has stated that even though there might be slackness on the part of the respondents in sanctioning the final pension and gratuity, still the petitioner has also contributed to the delay as he did not informed the administration in time about the order passed by the Hon'ble High Court in the criminal revision case. It is on the record that the petitioner has informed the authorities about the disposal of the case in the Hon'ble High Court soon thereafter by a letter dated 12.1.87 but it does not appear that any action was taken ~~thereafter~~ ^{on it}. They rose from slumber only after

the instant application was filed and the order sanctioning final pension and gratuity was made only on 4.9.97 i.e. to say on the day preceding the instant application was taken up for hearing. In such situation, the claim of the petitioner for payment of interest at least from 12.1.87 till the date of payment and also the costs of the proceeding cannot be resisted.

5. We therefore dispose of the application by directing the respondents to pay interest to the petitioner at the rate of 12% per annum on the amount of gratuity and other retiral benefits which were outstanding on 12.1.87 from that date till the date of payment. The amount, if not already paid shall be paid with interest as above within 4 weeks from the date of communication of this order. The petitioner shall also be paid Rs.500/- as costs of this proceeding also within the same period.

Mukherjee
1879/97
(M.S. MUKHERJEE)
MEMBER (A)

A.K. Chatterjee
18.8.97
(A.K. CHATTERJEE)
VICE-CHAIRMAN