

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 1305 of 96

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman

PRANAB KR. MUKHERJEE

VS

UNION OF INDIA & ORS.

For the applicant : Mr. G.S. Sarkar, counsel

For the respondents: Ms. U. Sanyal, counsel

Heard on : 10.9.98

Order on : 10.9.98

O R D E R

This is a Single Bench matter. Heard both the parties.

The matter is taken up for final disposal on consent of both the parties. In this application the petitioner has prayed for a direction upon the respondents authorities to make payment of death-cum-retirement gratuity money to him on his superannuation w.e.f. 31.10.94. When the matter is taken up for hearing it is submitted by Ms. Sanyal, 1d. counsel appearing for the respondents that the entire death-cum-retirement gratuity money amounting to Rs. 41.580/- has been paid to the petitioner during the pendency of the application on 11.12.96. The 1d. counsel appearing for the petitioner admits the said position but he prays that for such delayed payment his client is entitled to get interest on the amount but ~~as it was already noted~~ in his relief in paragraph 8 clause (A) ^{as noted above} he has not prayed for any interest. In such circumstances I do not find any reason to allow interest as prayed for. The 1d. counsel for the petitioner does not press the prayer (B) which is not consequential to his principle prayer as contained in paragraph 8(a). The said prayer is deleted and the application be amended accordingly.

2. Although the petitioner is not entitled to any interest but it appears from the materials on record that there has been some delay in the matter of making payment of his death-cum-retirement gratuity for which there is no reasonable explanation on the side of the respondents. In such circumstances I am of the view that the petitioner should get some costs. As the grievance of the petitioner has since been remedied by the respondents during the pendency of the application, the application has become infructuous and as such there is nothing to adjudicate. The application is disposed of for being infructuous but the petitioner is awarded costs assessed at Rs.500/- to be paid by the respondents within 3 weeks from the date of communication.

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Sr. Mallik

(B.N. MALLICK)
VICE-CHAIRMAN

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