

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

M.A. No. 400 of 1997.

(DA No. 118 of 1996)

present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PORKAYASTHA, JUDICIAL MEMBER.

GOUR HARI CHANDRA

VS.

UNION OF INDIA & ORS. (Post)

For applicant : Dr. S. Sinha, Counsel.

For respondents : Mr. S.P. Kar, Counsel.

Heard on : 20.2.98.

Ordered on : 20.2.98.

O R D E R

B.C.Sarma, AM.

1. This M.A has been filed with the prayer for a direction to be issued on the respondents to give interest at the rate of 15% for the delayed payment of gratuity and increased pension due to administrative fault.
2. We have heard the submission of the 1d. Counsel for both the parties and perused records. The applicant, ~~was~~ being aggrieved by institutional of a disciplinary proceeding against him after his retirement, had filed a Writ Petition in the High Court at Calcutta which was transferred to this Tribunal bearing No. T.A. 118 of 1996, which is still pending adjudication. He retired from service on attaining the age of superannuation on 30.4.1978 but on the ground that a disciplinary proceeding was instituted against him, he was not given the amount of gratuity and that gratuity amount was paid to him only on 29.8.1982 after the disciplinary proceeding was withdrawn on 12.4.1982. The applicant has now prayed for in this M.A the

Contd.. P/2.



interest on the delayed payment of gratuity.

3. We find in this case that even after retirement of the applicant from service there was a disciplinary proceeding instituted against him and legality or otherwise of that proceeding is under challenge in the O.A, which is still pending for adjudication. In any event, the material before us is that the disciplinary proceeding was withdrawn on 12.4.1982; in that event, only the applicant at best can get interest on the delayed payment of gratuity after three months from the date of withdrawal of the disciplinary proceedings.

4. Accordingly, we direct the respondents to pay interest to the applicant at the rate of 10% per annum on the entire amount of gratuity which was delayed w.e.f. 12.7.1982 till 19.8.1982 within a period of 2(two) months from the date of communication of this order failing which they shall have to pay interest at the rate of 20% (twenty percent) per annum. M.A. is accordingly disposed of without passing any order as to costs.

(D. Purkayastha)
Member (J)

(B.C. Sarma)
Member (A)

P/K/C.