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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR.**

Original Application No. 187/2004.

Date of decision: 09.09.2005.

Trilok Chand Kularia S/o Shri Munni Lal Kularia, aged 66 years, resident of Shree Sita Ram Kuti, Mataji Mandir Bali, Sutharo Ki Badi Guwar, Bikaner.334 005

: Applicant.

Miss. Usha Tanwar Proxy counsel for  
Mr. B. Kant Vyas - Counsel for the applicant.

**VERSUS**

1. Union of India, through the Secretary, Ministry of Information and Broad Casting, Government of India, Shastri Bhawan, New Delhi 110 001.
2. The Director General, All India Radio, Akashwani Bhawan, Sansad Marg, New Delhi 110 001.
3. The Director General, Doordarshan Bhawan, Mandi House, Copernicus Marg, New Delhi 110 001.
4. The Pay and Accounts Officer, Doordarshan Office, Soochana Bhawan,CGO Complex, Lodhi Marg, New Delhi 110 003.
5. The Director, Doordarshan Kendra, Jaipur. 302 004
6. The station Engineer, All India Radio, Near Dr. Karni Singh Stadium, Bikaner. 334 001.

: Respondents.

Mr. M. Prajapat, Proxy Counsel for  
Mr. R. Bhansali

: Counsel for the respondents.



**ORDER**

**Per Mr. J K Kaushik, Judicial Member.**

Shri Trilok Chand Kularia has filed this O.A, seeking a mandate to the respondents for releasing the payment towards, the C.G.E.G.I.S insurance amount and revised gratuity to the tune of Rs.55,012/- along with interest at the rate of 18% per annum with costs and compensation.

2. I have heard the learned counsel for both the parties in piece meal and the arguments were concluded today. I have carefully perused the pleadings and records of this case.

3. Skipping up the unnecessary details, the relevant facts of this

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case are that the applicant, while holding the post of Engineering Assistant, retired from service on 30.06.97, on attaining the age of superannuation. Subsequent to his retirement, the recommendations of the 5<sup>th</sup> Pay Commission came into effect from a retrospective date i.e. 01.01.96. The applicant became entitled to the revised amount of gratuity to the tune of Rs.55012, whereas the applicant had been paid an amount of Rs.53222/- towards the revised gratuity only in November 2004 and that too without any interest on the same despite an unusual delay. As regards the other amounts relating to C.G.E.G.I.S., G.P.F. Etc are concerned, the needful has been done and the applicant is satisfied.



The learned counsel for the applicant has reiterated the facts and grounds raised in the pleading of the applicant and has submitted that the respondents have released the due amounts to the applicant but interest on the amount of revised gratuity has not been paid. On the other hand, learned counsel for the respondents has submitted that the applicant was asked to submit an affidavit, as to whether he had received the revised gratuity amount of Rs. 53,222/-, the bill for which was passed by the respondent No.4 on 30.11.98. The delay in payment was for want of said affidavit from the applicant. It is only on 07.09.2002, the applicant replied that the revised gratuity amount was not received by him and thereafter only the amount of revised gratuity could be released vide demand draft dated 23.09.2004. Therefore, the applicant is himself responsible for the delay and no interest is required to be paid in such

circumstances.

5. I have considered the rival submissions put forth on behalf of both the parties. The short question that required to be considered by this Bench of the Tribunal is regarding the payment of interest on the revised gratuity, which in fact fell due on 01.07.97 but paid in September 2004. As far as the factual aspect of the matter is concerned, the concept of affidavit, required to be submitted by the applicant has not impressed me. The payment of revised gratuity was required to be made by the respondents themselves and they should be in possession of records as to whether one has been paid the same or not. Equally, it is alarming as to once the applicant was informed about the bill for the said payment on 30.11.98, why the follow up action was not taken by the respondent department. I do not find any explanation forthcoming for the same. It is also evident from the defence version of the respondents that the applicant had submitted the reply on 07.09.2002, but still there has been two years delay in making the payment of the revised gratuity by the respondents. I have no difficulty in reaching the conclusion that there was not fault on the part of the applicant and abnormal delay is fully attributable to the respondents. If that were so, the applicant would be entitled to the interest on the amount of revised gratuity as per the rules in force indicated in the succeeding paragraphs.



6. Rule 68 of the C.C.S. Pension Rules, 1972, envisages the provisions relating to the payment of interest on the delayed

payment of gratuity. The Government of India decision Nos. 3 (2)

(iv) under the above Rules are relevant for proper adjudication of

this case and contents of same are extracted hereunder:

3.(2) (iv) Cases where the amount of gratuity already paid is enhanced on account of revision of emoluments or liberalization in the provisions relating to gratuity from a date prior to the date of retirement of the Government servant concerned.

At present, no interest is paid in such cases. Representations have been received that the payment of difference in gratuity in such cases is unduly delayed. It is expected that once the orders relating to revision of emoluments reckoning for gratuity or liberalisation of rules relating to entitlement of gratuity is issued, the difference in gratuity should be paid within a reasons able time. Taking into account all aspects, it has now been decided that if the payment on account of arrears of gratuity is delayed beyond a period of three months from the date of issue of orders revising the emoluments or liberalisation in the rules, interest may be allowed for the delay beyond the period of three months of the date of issue of the said orders.



As per the above provisions, the applicant ought to have been paid interest on the revised gratuity with effect from December 1997. i.e. three months after the declaration of the 5<sup>th</sup> Pay Commissions recommendations. However, in the instant case, the interest has been claimed only from 01.07.98 which later than Dec 1997. The instructions also provide that interest shall be payable at the rate applicable to the G.P.F. Deposits, which is at present 8% per annum. No other arguments were advanced on any other claims on the ground that the applicant was satisfied with the same.

7. In the premises, the Original Application is partly allowed. The respondents are directed to pay interest on the amount of revised gratuity i.e. Rs. 53,222/- for the period from 01.07.98 to 23.09.2004, at the rate of 8 % per annum within a period of three months from the date of receipt of a copy of this order. No costs.

  
(J K Kaushik)  
Judicial Member.

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Copy Recd.  
on 28/9/05  
for  
R. Bhansali  
Sdr.

Part II and III destroyed  
in my presence on 17-1-14  
under the supervision of  
section officer ( ) as per  
intimation dated 18/12/13.

Section officer (Record)

17/1/14