

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.216/2011

Date of decision:16.01.2012

HON'BLE Mr. SUDHIR KUMAR, ADMINISTRATIVE MEMBER.

Chunni Lal S/o Shri Mana Ram, aged 61 years, Retired Industrial Labour, 494 Coy. ASC (Supply) Type E, Suratgarh, District Sri Ganganagar, R/o Bangla Nagar, Bikaner.

: Applicant

Mr. Vijay Mehta, counsel for applicant.

Versus

1. Union of India, through the Secretary to Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commandant, 494, Coy. ASC (Supply) Type E, Suratgarh, District Sri Ganganagar.
3. Chief Controller of Defence Accounts (Pensions), Draupadi Ghat, Allahabad-14.
4. Principal CDA (Pensions), Draupadi Ghat, Allahabad-14.

.....Respondents

Mr. Ankur Mathur, proxy counsel for

Mr. Vinit Mathur, counsel for respondents No.1 to 4.

Mr. M. Prajapat, proxy counsel for

Mr. Ravi Bhansali, counsel for respondents No.1 & 2.

ORDER (ORAL)

Heard the learned counsel for the applicant, and Mr. M. Prajapat, proxy counsel for Mr. Ravi Bhansali, counsel for respondents No.1 & 2, and learned proxy counsel, Shri Ankur Mathur, for learned ASG, senior counsel appearing on the behalf of all the respondents, in detail.

2. Learned proxy counsel for the respondents No.1 & 2 has filed through a memo a copy of the Pension Payment Order issued by the respondents in respect of the applicant on 22nd December,



2011. It is seen from the copy of the PPO as filed that residual pension of Rs.5625/- per month has been ordered to be paid, and out of total gratuity of Rs.2,52,852/-, withholding an amount of 10% of that, i.e. Rs.25,285/- for settlement of any residual dues, the net retirement gratuity of Rs.2,27,567/- has also already been released, and the authorization of family pension etc. has also been issued, to the State Bank of India, Suratgarh Branch, for credit to A/c No.11337333254 of the applicant. A prayer has been made by the learned counsel for the respondents that since the pension has been authorized in full, and since 90% of the ~~family~~ family Rs. ~~pension~~ of gratuity amount has been released, withholding temporarily 10% amount of Rs.25,285/-, for settlement or adjustment of any outstanding dues, and after examining, the residual amount will also be released, therefore, the grievances of the applicant stand fully satisfied, and the O.A. is liable to be disposed of:

3. On the other hand, learned counsel for the applicant pressed that the applicant is entitled to interest on delayed payment of gratuity amount as has been claimed, and in the prayer portion of the O.A. costs have also been prayed for by the applicant, apart from interest and any other reliefs.

Rs. 4. Since, the main prayer of the applicant of this O.A. seems to have been satisfied, the O.A. is liable to be disposed of. However, the aspect of delay needs to be examined, and it is directed that under Rule 68(i) of the CCS (Pension) Rules, 1972, the respondents may examine the aspect of delay, and in respect of delayed payment of gratuity, penal interest at the rate applicable

to GPF deposits, as prescribed by Government of India O.M. No.38/64/98-P.&P.W.(F) dated 5th October, 1999, may be allowed to the applicant. The 10% withheld amount of gratuity must also be settled within two months next. He,

5. With these observations and directions, the O.A. is disposed of, but there shall be no order as to costs.



[Sudhir Kumar]
Administrative Member

Rss

12/1/12
18
12/1/12