

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 776 of 97

Present : Hon'ble Mr.D.Purkayastha, Judicial Member

AJIT SINGH ROY

VS

UNION OF INDIA & ORS.

For the applicant : Mr.A.B.Ghosh, counsel  
Mr.T.K.Biswas, counsel

For the respondents: Mr.P.Chatterjee, counsel

Heard on : 26.8.98

Order on : 26.8.98

O R D E R

The applicant Shri Ajit Singh Roy filed this application before this Tribunal claiming interest on the DCRG money withheld by the respondents for no fault of the applicant from his date of retirement which took place on 31.7.95 till payment is made on 2.4.97. According to the applicant no criminal proceeding or departmental proceeding was pending against the applicant but the respondents without any reason withheld the payment of gratuity from 31.7.95 to 2.4.97. Thereby he is entitled to get interest at the rate of 18% on the said amount on delayed payment of gratuity as per rules. The respondents did not file reply but Mr.P.Chatterjee, 1d. counsel appears on behalf of the respondents and draws my attention to the letter dated 23.12.95, Annexure A/3 to the applicant which indicates that the applicant was allowed to retain the quarter up to 31.3.96 w.e.f. 1.12.95 and his allotment was cancelled on 1.4.96 and according to Mr.P.Chatterjee, that due to calculation of license fee and other allied charges there has been some delay in respect of the payment of gratuity but that was not intentional. So the applicant is not entitled to get any interest on the payment of gratuity as claimed

in the application. I have considered the submission of the 1d. counsel for both the parties and I find that the payment of DCRG is an obligatory on the part of the department to make payment of the same on the date of retirement of the employee and delay should be explained by the department if payment is not made on the date of retirement of the applicant. However, the department should not delay the matter of payment more than 3 months of the date of retirement and right of interest accrue after expiry of the 3 months of the date of retirement. In view of the above submission I find no reason why there has been some delay on the part of the respondents when no Disciplinary Proceeding or criminal proceeding was pending against the applicant and moreover a permission was granted to the applicant to retain the quarter up to 1.4.96, why the matter of payment of gratuity was delayed by the respondents. In view of the above circumstances I hold that the applicant is entitled to get interest at the rate of <sup>10%</sup> <sub>10%</sub> per annum on the gratuity after expiry of the period of 3 months till payment of the same on 2.4.97 respectively. Accordingly the application is disposed ~~xxx~~ of and the respondents are directed to make payment of interest in view of the above within 3 months and the applicant will be paid cost of Rs. 500/- by the respondents.

*D. Purkayastha*  
(D. PURKAYASTHA)  
MEMBER (J)